

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Ameren Transmission)
Company of Illinois)
)
)
)CASE NO. 15-0390
Petition for an Order)
pursuant to Section 8-509)
of the Public Utilities)
Act Authorizing Use of)
Eminent Domain Power.)

HEARING

The following hearing before Administrative
Law Judges Stephen Yoder and John Albers was taken on
July 13, 2015, between the hours of 9:17 a.m. and
11:56 a.m. of that day, at the offices of Illinois
Commerce Commission, 527 East Capitol Avenue,
Springfield, Illinois, before Susan Randolph,
Certified Shorthand Reporter, License No. 084-003240,
for the State of Illinois.

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EXHIBITS

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1 A P P E A R A N C E S

2

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23 ALSO PRESENT: Mr. Eric VanGundy
Ms. Amanda Sloan
24 Mr. Rick Trelz

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for the Staff and counsel for the
3 Applicant that this hearing may be taken in shorthand
4 by Susan Randolph, Certified Shorthand Reporter, and
5 afterwards transcribed into typewriting.

6 * * * * * *

7 ALJ MR. JOHN ALBERS: Why don't we go ahead
8 and get started. I guess do we have anybody on the
9 phone just so we know who is there? Has the phone
10 connection been made?

11 MS. WEST: Your Honor, Shannon West is on
12 the phone. I'm just a spectator today.

13 ALJ MR. JOHN ALBERS: Okay. That's fine.
14 Thank you. And is Chicago connected? We have got
15 video. Do we have audio?

16 Can counsel for Staff say something so we
17 have the audio connection?

18 (No response)

19 ALJ MR. JOHN ALBERS: Okay. That can be a
20 problem.

21 ALJ MR. STEPHEN YODER: Or it could be a
22 solution.

23 ALJ MR. JOHN ALBERS: I think I see, Greg,
24 are you pulling your phone out there?

1 MR. ROCKROHR: Yeah. I will see if I can
2 reach Kelly.

3 (At this point a short recess was
4 taken:)

5 MS. TURNER: Good morning. Can you guys
6 hear us in Springfield?

7 ALJ MR. JOHN ALBERS: Yes.

8 MS. TURNER: Yeah.

9 ALJ MR. JOHN ALBERS: I think we can begin
10 then.

11 I'm not aware of anything that we need to
12 address beforehand. Does anybody else have something
13 they want to address off the record before we get
14 started?

15 MS. TURNER: I assume we are going to
16 address Mr. McNamara and Mr. O'Brien's motion that was
17 filed at 8:55 a.m. on the record, Your Honors?

18 ALJ MR. JOHN ALBERS: Yes.

19 MS. TURNER: Okay. Thanks.

20 ALJ MR. JOHN ALBERS: All right. Let's go
21 ahead and get started then, which you already have.

22 By the authority vested in me by the
23 Illinois Commerce Commission, I will now call Docket
24 Number 15-0390. This docket was initiated by Ameren

1 Transmission Company of Illinois and concerns its
2 petition for an order pursuant to Section 8-509 of the
3 Public Utilities Act authorizing use of eminent domain
4 power.

5 May we have the appearances for the record,
6 please?

7 MR. DEARMONT: Good morning. This is Eric
8 Dearmont on behalf of Ameren Transmission Company of
9 Illinois. My business address is 1901 Chouteau
10 Avenue, St. Louis, Missouri, 63103.

11 MS. SEGAL: And also on behalf of ATXI
12 Rebecca Segal with Whitt Sturtevant, LLP, 180 North
13 LaSalle Street, Suite 2001, Chicago, Illinois, 60601.

14 MR. MCNAMARA: Judge Edward D. McNamara,
15 Junior, Joseph H. O'Brien. We are both attorneys
16 admitted to practice law in the State of Illinois.
17 Our business address is 931 South 4th Street,
18 Springfield, Illinois, 62703. Phone number
19 (217) 528-8476. We have previously entered our
20 appearance on behalf of Intervenor Paula Harms, Paul
21 Bergschneider, and Eric VanGundy.

22 ALJ MR. JOHN ALBERS: And in Chicago.

23 MS. TURNER: Appearing on behalf of Staff
24 witnesses of the Illinois Commerce Commission Kelly

1 Turner and Marci Cheryl, 160 North LaSalle Street,
2 Suite C800, Chicago, Illinois, 60601.

3 ALJ MR. JOHN ALBERS: Thank you. There are
4 no others wishing to enter an appearance today?

5 As far as preliminary matters, I will first
6 ask have there been any additional easement agreements
7 reached?

8 MR. DEARMONT: There have not.

9 ALJ MR. JOHN ALBERS: Okay. Thank you.

10 And then we've got the motion we received
11 earlier this morning concerning proposed, or rebuttal
12 testimony of Mr. VanGundy. Has everyone had a chance
13 to see that?

14 MS. TURNER: Yes, your Honor.

15 ALJ MR. JOHN ALBERS: All right.

16 MR. DEARMONT: Briefly, yes.

17 ALJ MR. JOHN ALBERS: Do you want to make
18 any response now or do you want to wait till later
19 since you, or do you just want to think about it?

20 MR. DEARMONT: I can respond now.

21 ALJ MR. JOHN ALBERS: Okay.

22 MR. DEARMONT: Thank you very much. I will
23 start with the good. ATXI will not object, subject to
24 perhaps some additional foundation, to the admission

1 of what Mr. McNamara, Mr. VanGundy I believe has
2 styled as VanGundy Exhibit 2.1. That's a letter
3 received by Mr. VanGundy by I believe, at least dated
4 last Friday. So to that individual communication we
5 do not object.

6 ATXI would and does object to the remainder
7 of the information, however. That would include the
8 rebuttal testimony of Mr. VanGundy, as well as
9 information provided by Mr. VanGundy in response to
10 discovery issued to him by ATXI.

11 Judges, my main concern here is his
12 timeliness. I, I understand and do agree that, that
13 discovery responses were not provided until after
14 Intervenor's filed testimony in this case. That said,
15 it was information provided by them based upon
16 information in their possession. So to the extent
17 that they had this information, and they did, I would
18 argue that that was properly the subject of their,
19 their rebuttal testimony, and should have properly
20 been attached to whatever was filed I believe early
21 last Tuesday. So timeliness is my main concern.

22 ALJ MR. JOHN ALBERS: So just to make sure I
23 understood correctly. ATXI does not object to the
24 July 9th letter that it currently received?

1 MR. DEARMONT: That is, that is correct. It
2 may be best to lay some additional foundation because
3 I have one clarifying question about that, but
4 fundamentally that's correct.

5 ALJ MR. JOHN ALBERS: Okay. And to the
6 extent that there are other attachments and the
7 testimony itself ATXI does object?

8 MR. DEARMONT: Whatever is not the letter,
9 we object to.

10 ALJ MR. JOHN ALBERS: Okay. Thank you. I
11 just want to make sure I understood.

12 MR. DEARMONT: Thank you.

13 ALJ MR. JOHN ALBERS: And Mr. McNamara or
14 Mr. O'Brien.

15 MR. MCNAMARA: I will argue it, Judge.

16 ALJ MR. JOHN ALBERS: Go ahead.

17 MR. MCNAMARA: First off, this is a very
18 expedited procedure as we know. ATXI presents their
19 testimony --

20 MS. TURNER: Can we just ask maybe you make
21 sure and use your microphone.

22 MR. MCNAMARA: I'm sorry.

23 MS. TURNER: We really didn't hear anyone's
24 appearances besides Mr. Dearmont from Chicago.

1 MR. MCNAMARA: Can you hear me now?

2 ALJ MR. STEPHEN YODER: Is there a green
3 light on?

4 MR. MCNAMARA: I think so. Now it's on for
5 sure.

6 This is a very expedited procedure. These
7 questions were asked and raised by the Company. I
8 think they are certainly relevant to providing a full
9 and complete record in this case. You will note the
10 letter is dated two days after we presented our
11 testimony. I think we should have a right to explain
12 our testimony, answer the questions, and they
13 certainly should be part of the record. I don't think
14 anyone was taken by surprise. I mean these were
15 questions, the normal type of questions you would get
16 in cross-examination. So I think it's only
17 appropriate, based upon the fact that this is very
18 expedited, and they are all relevant to this case,
19 that they should be allowed into the record. That's
20 all I have. Thank you.

21 ALJ MR. JOHN ALBERS: Okay. Does the Staff
22 have anything to say regarding the motion?

23 MS. TURNER: No. We take no position, your
24 Honor.

1 ALJ MR. JOHN ALBERS: Okay. I'm just
2 looking at the attachments to the motion again.

3 All right. Subject to the additional
4 foundation questions that you suggested might be
5 necessary, we will allow the offering at least of the
6 Intervenor VanGundy Exhibit 2.1, the July 9th letter.
7 And the others we will deny the motion concerning the
8 testimony itself and their attachments.

9 Any further discussion of that or any other
10 preliminary matters?

11 MR. MCNAMARA: I have a couple of
12 preliminary matters.

13 ALJ MR. JOHN ALBERS: Go ahead.

14 MR. MCNAMARA: With regard to Paul
15 Bergschneider, it's my understanding that his case has
16 been dismissed with regard to Paul Bergschneider?

17 MR. DEARMONT: That's correct.

18 MR. MCNAMARA: I should be more correct.
19 His appearance property, but he negotiates on their
20 behalf, so he is out of there. Their land is out of
21 the case?

22 MR. DEARMONT: Yes. Yes.

23 MR. MCNAMARA: Okay.

24 MR. DEARMONT: The Bergschneider tract that

1 was identified in conjunction with our petition, yes.

2 MR. MCNAMARA: Okay. Next, with regard to
3 Paula Harms, Paula has asked that I withdraw her
4 intervention in this case. By this, I orally move at
5 this time to withdraw the intervention of Paula Harms.

6 ALJ MR. JOHN ALBERS: All right. So she
7 won't have any testimony today then. That was granted
8 to do so. And any other preliminary matters?

9 (No response)

10 ALJ MR. JOHN ALBERS: Hearing none, does
11 anyone have a particular order of witnesses?

12 MR. DEARMONT: Judge, this is Eric Dearmont
13 on behalf of ATXI. I have no preference as far as
14 whether Staff or the Company present witnesses first.
15 But I would suggest, as a matter of administrative
16 efficiency, that we take out Ms. Sloan before Mr.
17 Trelz is my only suggestion. I believe Mr. McNamara
18 has indicated he has no objection to that.

19 MR. MCNAMARA: That's the only, the only
20 caveat I would like is if we get to a point somehow
21 that Mr. Trelz can't answer a question that would be
22 better answered by Ms. Sloan that she have her cell
23 phone on and we call her back.

24 MR. DEARMONT: That's fair.

1 ALJ MR. JOHN ALBERS: Okay. Well, if you
2 are going to testify today, please stand and raise
3 your right hand and I will go ahead and swear you all
4 in right now and get that done.

5 (At this point all potential
6 witnesses were sworn in by ALJ
7 Albers)

8 ALJ MR. JOHN ALBERS: Mr. Dearmont, or Ms.
9 Segal, whichever one is going to lead things off, do
10 you want to start with your first witness?

11 MR. DEARMONT: Sure. At this time ATXI
12 would call Ms. Amanda Sloan to the stand.

13 AMANDA SLOAN
14 having previously been first duly sworn upon her oath
15 testified as follows:

16 EXAMINATION CONDUCTED

17 BY MR. DEARMONT:

18 Q. Good morning.

19 A. Good morning.

20 Q. How are you?

21 A. I'm well. Thank you.

22 Q. Good. Is your microphone on?

23 A. I believe so.

24 Q. Very good. Will you please state and spell

1 your name for the record?

2 A. Amanda Sloan. S like Sam, l-o-a-n.

3 Q. And by whom are you employed and what is

4 your title?

5 A. I am employed through Contract Land Staff to

6 Ameren Transmission, and I am the project manager for

7 the transmission line project, or a project manager

8 for the transmission line project.

9 Q. And are you the same Amanda Sloan who

10 prepared and caused to be filed direct testimony and

11 supporting exhibits labeled ATXI Exhibits 2.0 through

12 2.4?

13 A. I am.

14 Q. Those documents were filed on June 15th of

15 this year?

16 A. That is correct.

17 Q. Okay. And for purposes of clarification,

18 ATXI Exhibit 2.2 contained both a public and a

19 confidential version, correct?

20 A. That is correct.

21 Q. And 2.3, which I will refer to as the group

22 summaries, those contained Parts A through L?

23 A. Correct.

24 Q. Okay. If asked the same questions today as

1 were contained in your direct testimony, would your
2 answers be the same?

3 A. Largely, yes.

4 Q. Subject to your rebuttal testimony perhaps?

5 A. That is correct.

6 Q. Any corrections we need to be aware of?

7 A. No, not at this time.

8 Q. And all of the information contained in your
9 direct testimony is true and accurate to the best of
10 your knowledge, information, and belief?

11 A. That is correct.

12 Q. Are you the same Amanda Sloan who prepared
13 and caused to be filed rebuttal testimony marked as
14 ATXI Exhibit 5.0?

15 A. That is correct.

16 Q. That testimony was filed on July 9th of this
17 year?

18 A. Yes.

19 Q. And you had no exhibits to that testimony,
20 correct?

21 A. No.

22 Q. Okay. Any corrections to make to your
23 rebuttal testimony?

24 A. No.

1 Q. If asked the same questions today as were
2 contained in your rebuttal testimony, would your
3 answers be the same?

4 A. Yes.

5 Q. Okay. As we sit here today, is the
6 information contained in your rebuttal testimony true
7 and accurate to the best of your knowledge,
8 information, and belief?

9 A. Yes.

10 MR. DEARMONT: Okay. Very good. Thank you.
11 At this time, Judge, we would move for the admission
12 of pre-filed Exhibits 2.0 through 2.3, and ATXI
13 Exhibit 5.0, excuse me, 2.4 as well. 2.0 through 2.4,
14 and then 5.0, subject to the cross-examination of Ms.
15 Sloan. And I would tender her for cross at this time.

16 MR. MCNAMARA: I would ask that any ruling
17 be withheld until I've had a chance to cross-examine.

18 ALJ MR. JOHN ALBERS: I do tend to do that.
19 But was there a 5.1 as well? Did I hear you mention
20 that?

21 MR. DEARMONT: Yes, there is. And I
22 overlooked that, so I apologize. Let's clear this up
23 with a few questions to Ms. Sloan.

24 Ms. Sloan, I'm sorry if I led you down a

1 bad path there, but was there an exhibit to your
2 rebuttal testimony?

3 A. Yes, there was.

4 Q. Okay. And that's exhibit, ATXI Exhibit 5.1?

5 A. Uh-huh. (Affirmative).

6 Q. Okay. And that was also filed on July 9th
7 of this year?

8 A. Yes.

9 Q. Okay. Is all of the information reflected
10 thereon, does that remain true and accurate to the
11 best of your information?

12 A. Yes.

13 MR. DEARMONT: Okay. ATXI would also move
14 for the admission of ATXI Exhibit 5.1, again, subject
15 to cross-examination.

16 ALJ MR. JOHN ALBERS: Okay. And we will
17 rule on that following the cross-examination.

18 EXAMINATION CONDUCTED

19 BY MR. MCNAMARA:

20 Q. Thank you. Good morning, Ms. Sloan.

21 A. Good morning.

22 Q. To my right sits Eric VanGundy. Have you
23 had occasion to meet Eric VanGundy prior to today's
24 date?

1 A. I have not.

2 Q. Okay. Who from your office would have had
3 contact with Mr. VanGundy?

4 A. Mr. VanGundy's primary point of contact has
5 been Christian Hollenkamp.

6 Q. How do you spell his last name?

7 A. H-o-l-l-e-n-k-a-m-p.

8 Q. With regard to...now primary contact. How
9 are you qualifying that? Was anyone else contacting
10 Mr. VanGundy in addition to Mr. Hollenkamp?

11 A. Prior to ATXI's submittal of the agent
12 association contact policy, he may have been contacted
13 by a survey agent or a different land agent, but in
14 the last year his primary contact has been Christian
15 Hollenkamp.

16 Q. Does your records show any contact by anyone
17 else?

18 A. I would have to double-check. I do not know
19 off the top of my head.

20 Q. And when did your office last contact my
21 client?

22 A. I'm aware that Mr. Hollenkamp contacted him,
23 or excuse me, that we contacted him on Friday.

24 Q. Of last week?

1 A. That is correct.

2 Q. And that would have been July 9; is that
3 correct?

4 A. Yes, sir.

5 Q. And what was the purpose of that contact?

6 ALJ MR. JOHN ALBERS: July 10th I believe.

7 ALJ MR. STEPHEN YODER: Friday was the 10th.

8 ALJ MR. JOHN ALBERS: July 10th.

9 MR. MCNAMARA: Yes, sir. Excuse me.

10 ALJ MR. JOHN ALBERS: Sorry.

11 MR. MCNAMARA: Thank you. That would have
12 been last Thursday.

13 A. The last contact, how about that? I would
14 have to check an actual calendar and confirm which day
15 was which. But we did submit a letter to your client,
16 which I believe you have marked as an exhibit.

17 MR. MCNAMARA: I don't think we have an
18 objection, but let me show you.

19 MR. DEARMONT: I'm fine. Thank you.

20 MR. MCNAMARA: Okay. I'm handing you what
21 was marked as Intervenor VanGundy Exhibit 2.1.

22 A. Yes, sir.

23 Q. Is that the letter you sent my client last
24 Thursday?

1 A. July 9th.

2 Q. Can we stipulate that July 9 was last
3 Thursday?

4 MR. DEARMONT: So stipulated.

5 MR. MCNAMARA: And for what purpose was that
6 letter sent?

7 A. Mr. VanGundy had addressed that he felt we
8 had not responded to documentation he had provided, so
9 this was to ensure that we had responded.

10 Q. And this would have been part of your
11 negotiations with my client I take it?

12 A. Yes, sir.

13 Q. Thank you. With regard to the documents
14 that my client has received from time to time, those
15 documents are presented by your Company to my client;
16 is that correct?

17 You would have been the sole, your Company
18 would have been the sole contact with my client as
19 opposed to ATXI directly contacting my client?

20 A. Well, I would argue that ATXI directly
21 contacts your client via the land agent that has been
22 working with Mr. VanGundy.

23 Q. Okay. To the best of your knowledge, would
24 there be any direct contact with Mr. VanGundy other

1 than through your Company as agent for ATXI?

2 A. I am unaware.

3 Q. Okay. In the due course of business, you

4 would be, your Company would be the contact with my

5 client; is that correct?

6 A. With the oversight of Mr. Rick Trelz, that

7 is correct.

8 Q. And he sits here today; is that correct?

9 A. That is correct.

10 Q. You recently filed an errata in this case to

11 correct a particular exhibit; is that right?

12 A. I would need to double-check, but I believe

13 the errata was answered by Mr. Trelz.

14 Q. Okay. So that wasn't part of your --

15 A. I don't believe so, sir.

16 Q. With regard to the other paperwork, the

17 packages that my client receives from time to time,

18 would they be part of your work, the mail-outs to Mr.

19 VanGundy?

20 A. Our office puts them together, again, under

21 the, our office puts them together, again, under the

22 oversight of Mr. Rick Trelz.

23 Q. Would they be generated and mailed from your

24 office?

1 A. That is correct.

2 Q. With regard to my client, what counties are
3 we talking about?

4 A. Morgan and Scott Counties.

5 Q. With regard to those two counties, first off
6 with regard to Morgan, when did you last contact my
7 client?

8 A. Again, I believe the letter of July 9th.

9 Q. Prior to that time, do you have a record to
10 show when you last mailed anything to my client with
11 regard to Morgan County?

12 A. I do not know the exact date. I would have
13 to double-check.

14 Q. I'm going to give you two packages to
15 refresh your recollection. First...excuse me. That's
16 Morgan and that's Scott.

17 MR. DEARMONT: All right. We will see what
18 happens.

19 MR. MCNAMARA: Okay. Ms. Sloan, I'm going
20 to give you two documents to attempt to refresh your
21 recollection.

22 I'm going to hand you one document which
23 appears to be a letter dated May 18, 2015 which
24 appears to be the Morgan County property. Would you

1 take a look at that?

2 MR. DEARMONT: Can I have that date again,
3 counsel?

4 MR. MCNAMARA: May 18, 2015.

5 MR. DEARMONT: Thank you.

6 A. It doesn't appear to be the full packet, but
7 in general, yes, familiar.

8 Q. Okay. And that would be the last time,
9 prior to the letter of last Thursday, that your office
10 had contacted Mr. VanGundy with regard to Morgan
11 County?

12 A. Again, I would have to double-check the
13 specific record.

14 Q. Okay. Do you have the specific records here
15 today?

16 A. I do not.

17 Q. The records that you have here today would
18 be current as of what date?

19 A. The records that I have here today are my
20 direct testimony and my rebuttal testimony.

21 Q. Excuse me, your what?

22 A. And my rebuttal testimony.

23 Q. Maybe I'm missing something. Didn't your
24 direct testimony include your contacts with my client?

1 A. The direct testimony...I believe what you,
2 sir, are driving at were part of the work papers,
3 which I do not have here with me.

4 Q. Okay. Are they part of your exhibits?

5 A. They are not part of the exhibits.

6 Q. And not part of the record in this case?

7 A. I'm sorry, I'm not an attorney so I do not
8 know the specific types of, how the actual
9 documentation is categorized. I would have to refer
10 to counsel.

11 Q. You have in front of you a binder that would
12 include all of your exhibits?

13 A. Correct, sir.

14 Q. All of the, your responses; is that correct?

15 A. That is correct, sir.

16 Q. And in addition to that, there are work
17 papers that, you've talked about work papers; is that
18 correct?

19 A. That is correct.

20 Q. And who generates the work papers?

21 A. Again, our office generates the
22 documentation. Everything that's provided to the
23 Court is provided to counsel.

24 Q. Okay. And you are here as a supervisor

1 speaking on behalf of your office?

2 A. That is correct.

3 Q. Okay. But part of what we don't have here

4 are the work papers?

5 A. I do --

6 Q. Just say yes --

7 A. I do not know.

8 Q. Very good. Thank you. Mr. Trelz might?

9 A. I do not believe he will, but you can

10 certainly inquire with him.

11 Q. Okay. Now, with regard to these work

12 papers, in general, what do they show?

13 A. Again, I don't have the work papers. I

14 would have to check to be able to respond to you.

15 Q. Do they show all the landowners who would be

16 involved in this case from this file?

17 A. I make an assumption that that is accurate.

18 Q. And there would be two copies of the work

19 papers; would there not? One with the figures in as

20 to offers and one with a redacted amount, where the

21 amounts were redacted?

22 A. Through my testimony I don't sponsor the

23 work papers so, again, for questions about those I

24 would refer you to counsel.

1 Q. Okay. With regard to the work papers, can
2 you tell me this, was Mr. Rockrohr, who will be here
3 today, and is here today, was he provided with those
4 work papers?

5 A. I would encourage you to inquire with Mr.
6 Rockrohr.

7 Q. Okay. So you don't know?

8 A. No, sir.

9 Q. Okay. With regard...next I will hand you a
10 letter dated May 11.

11 MR. DEARMONT: Very good. Thank you.

12 MR. MCNAMARA: That relates to the Scott
13 County property.

14 Would that refresh your recollection as to
15 the last time, with regard to the Scott County
16 property, that your Company contacted my client?

17 A. I will point out there does appear to be a
18 letter in here as well from April, so this is not
19 solely documentation from me.

20 Q. Okay. But the most recent would be May; am
21 I correct? So far?

22 A. For what you've got in the packet.

23 Q. Yes. It appears to be the most current?

24 A. If it was transmitted to your client, that

1 looks correct.

2 Q. Okay. Do you have anything to say that it
3 would not be the most current?

4 A. Not here with me today, no.

5 Q. Okay. Well, maybe it will shorten this a
6 little bit. What did you not bring here today that
7 would be relating to Mr. VanGundy?

8 A. I'm sorry, you will have to be specific.

9 Q. Okay. Well, you have a file with your
10 exhibits?

11 A. Correct.

12 Q. Back at your office you have a bigger file,
13 right?

14 A. I have a file, that is true.

15 Q. You have a file with regard to Mr. VanGundy?

16 A. Uh-huh. (Affirmative).

17 Q. And certain of the documents with regard to
18 Mr. VanGundy you've not brought here today?

19 A. That's correct. My testimony and exhibits
20 only.

21 Q. What didn't you bring here today from Mr.
22 VanGundy's file?

23 A. Anything that wasn't part of my testimony or
24 exhibits.

1 Q. Okay. With regard to Mr. VanGundy, are you
2 familiar with the offers that have been made to Mr.
3 VanGundy, the most current offers?

4 A. I believe you have them in your hand.

5 Q. Okay. I want to hand them to you again, and
6 take your time, if you would, and tell me, first, the
7 value per acre with regard to Mr. VanGundy's Scott
8 County property?

9 MR. DEARMONT: That's highly confidential
10 and contains terms of negotiations here. So to the
11 extent we even can discuss it I think we need to go in
12 camera. There is also an issue with parties executing
13 or not form one attached to the protective order. And
14 just to be clear on that last point I don't think that
15 any party has in fact executed a form one.

16 ALJ MR. JOHN ALBERS: Okay.

17 MR. MCNAMARA: Do we need to go off the
18 record?

19 MR. DEARMONT: Well, let's stay on.

20 ALJ MR. JOHN ALBERS: Yeah, let's stay on it
21 because I don't want to get in the public transcript
22 whatever those numbers are if we can avoid it. So is
23 there a way you can ask your question without having
24 the actual numbers recited?

1 MR. MCNAMARA: Let me put it another way.
2 Take your time and look at what I have placed in front
3 of you, and I would ask you if the offer to Mr.
4 VanGundy for his Scott County property is more than
5 two times the offer that you've given to Mr. VanGundy
6 for the Morgan County property?
7 MR. DEARMONT: We don't object to that but
8 can I clarify by offer do you mean total dollars?
9 MR. MCNAMARA: No. I mean...excuse me, good
10 point, Eric. Value per acre.
11 ALJ MR. JOHN ALBERS: You can go ahead and
12 answer yes or no.
13 A. Would you state your question again, please,
14 Mr. McNamara?
15 MR. MCNAMARA: Would the offer for the Scott
16 County property be twice per, the value per acre that
17 you are offering for the Morgan County property?
18 A. That is correct.
19 Q. Are you aware of the underlying reasoning by
20 which you've offered twice as much for the Scott
21 County property?
22 A. Sure. The independent fair market
23 appraisals that ATXI had done reflected the price per
24 acre that you see as offered to your client. And ATXI

1 has requested, on more than one occasion of Mr.
2 VanGundy, that if he feels that that is not accurate
3 to please provide something to the contrary.

4 Q. Are you familiar with the property, the two
5 properties in question?

6 A. Only in a general nature.

7 Q. Okay. Specifically with regard to the Scott
8 County property, are you familiar with whether or not
9 the easement would go through tillable land?

10 A. Well --

11 ALJ MR. JOHN ALBERS: While she is looking
12 at that, it occurs to me that you are quite a distance
13 from a microphone.

14 MR. MCNAMARA: Oh, excuse me.

15 ALJ MR. JOHN ALBERS: So I don't know if
16 Staff can hear. Can Staff counsel hear Mr. McNamara?

17 MS. TURNER: It's in and out as he is
18 walking around the room. If he is close to the
19 witness stand or close to the microphone we can
20 generally hear it, but when he is away from it we are
21 missing words.

22 ALJ MR. JOHN ALBERS: Okay.

23 MR. MCNAMARA: You've looked at the papers
24 in front of you?

1 A. Yes.

2 Q. Are you familiar now with regard to the
3 Scott County property as to whether the easement in
4 question goes through tillable land?

5 A. Per the appraisal that is attached, it does
6 say that the land is vacant agricultural land.

7 Q. Now, I would refer your attention to the
8 Morgan County offer, and I would ask with regard to
9 Morgan County whether the easement in question goes
10 through tillable land?

11 A. You may recall that I pointed out that there
12 are items absent the Morgan County package, one of
13 which is the appraisal, so it would be difficult for
14 me to answer that question sitting here today.

15 Q. Okay. So basically you don't, you do not
16 know the answer to that question?

17 A. I would prefer to be able to answer
18 accurately and assuredly, and absent that, no, sir.

19 Q. Who would have the documents, would Mr.
20 Trelz have those documents with him?

21 A. You can certainly inquire.

22 Q. But you don't know?

23 A. No.

24 Q. Do you have those documents at your office?

1 A. We would, yes.

2 Q. But you have not brought them here?

3 A. No, sir.

4 Q. With regard to both of the offers, do either
5 one of those offers place any value on the diminution
6 of property outside of the easement itself?

7 A. Excuse me, no, they do not.

8 Q. In the due course of business, will ATXI
9 utilize property outside of the easement itself?

10 A. ATXI's standard form easement allows for the
11 ability for them to use additional space outside and
12 adjacent to the easement if necessary.

13 Q. And how many feet outside the easement?

14 A. There is no set amount of feet in the
15 standard form easement.

16 Q. In the standard form easement, it is the
17 easement that you would ask Mr. VanGundy to sign; is
18 it not?

19 A. We would. But I believe, as Mr. VanGundy
20 has been advised, if he has reservations or concerns
21 about said language we would certainly wish to discuss
22 that with him further, and to date he has provided no
23 objections or concerns.

24 Q. So, in any event, what you've tendered to my

1 client in negotiations today would allow AX, ATXI to
2 utilize property outside the easement?

3 A. That is correct.

4 Q. Okay. And you've not placed a value on that
5 easement, that additional use?

6 A. ATXI would argue that that is part of the
7 entire packet offered.

8 Q. Okay. Now there is a legal description with
9 regard to the easement; is that not correct? Take a
10 look if you must.

11 A. Would you like to point to which legal
12 description you are referencing, please?

13 Q. Either one. Or both. Why don't you look at
14 both of them. Can you hear me in Chicago?

15 MS. TURNER: Yes.

16 A. Which one, sir?

17 MR. MCNAMARA: I'm referring to Morgan
18 County. Is there an Exhibit A attached to the Morgan
19 County easement?

20 A. There is.

21 Q. To the best of your knowledge, is that legal
22 description true and correct?

23 A. Yes. It is generated by our surveyors.

24 Q. And that legal description would not include

1 any additional property outside the immediate
2 easement?

3 A. No, it would not. And if you refer to the
4 standard form easement it does make mention that the
5 easement is described specifically in Exhibit A.

6 Q. Exactly. How would my client, in
7 negotiating with you, be able to determine what
8 additional property you wish to use in addition to
9 what's included in the easement that you have?

10 A. Well, it does list the legal description of
11 the full property as you can see on the face of the
12 easement.

13 Q. Should there...let me ask you this then.

14 Should my client assume that when signing
15 this easement he is giving your Company the right to
16 use all of his property?

17 A. The legal description is for the entire
18 property, that is true. The reason is there are terms
19 in this easement that you would want to protect the
20 property owner for the use of the full property, and
21 then we limit the actual easement itself to Exhibit A
22 as it's written right here.

23 Q. But you are not really limiting the actual
24 easement itself, are you?

1 You are granting to your client the right to
2 use all of his property?

3 A. Again, I stated this previously, but if
4 there are concerns that your client has over the
5 language, ATXI remains ready and willing to discuss
6 those concerns. To date, Mr. VanGundy has not raised
7 them.

8 Q. Well, maybe I will put it another way. This
9 package that I have, this May 18 package, has tabs on
10 it; does it not?

11 A. It does.

12 Q. What do the tabs say? They all say the same
13 thing.

14 A. They say sign and date or sign here.

15 Q. Okay. And it's your proposal, as of May 18
16 of this year, that my client would sign where the tabs
17 are and return it to you?

18 A. That is correct.

19 Q. And if he were to do so he would be signing
20 and giving you the right to use all of your property,
21 excuse me, all of his property?

22 MR. DEARMONT: I will object. I think, I
23 think that misstates her testimony. I mean maybe if
24 we can get more specific as to the definition of the

1 term "use" that might be helpful. But certainly there
2 is some question in my mind about what "use" does and
3 does not mean.

4 MR. MCNAMARA: I will repeat it. If Mr.
5 VanGundy were to follow your instructions, he would
6 sign these documents as is, return a copy to you; is
7 that correct.

8 A. If I may.

9 Q. Sure.

10 A. I would like to read the last paragraph from
11 the letter, please. It says, again, if you have any
12 questions or concerns that you would like to discuss
13 before accepting the offer, please contact Christian
14 Hollenkamp at, lists his phone number. The ATXI team
15 would like to thank you for your cooperation with us
16 during the acquisition phase of the project.

17 Your client has repeatedly been encouraged
18 if he has questions or concerns that ATXI would like
19 to discuss and address them with him, as it states
20 here. So if your client had questions or concerns he
21 is more than welcome to reach out to Mr. Hollenkamp
22 who is willing to discuss, meet, address any of those
23 concerns. However, absent that concern being raised
24 by your client, it is challenging to address them.

1 Q. Okay. With regard to that challenge, we are
2 talking about May 18, 2015, was this letter to my
3 client, correct?

4 A. Yes, sir.

5 Q. Do you know if after May 18, 2015 there has
6 been a get-together between my client and Mr.
7 Hollenkamp?

8 A. Well, I believe that they met in your, well,
9 I know that they did from discussions with Mr.
10 Hollenkamp, that they have met since then.

11 Q. Okay. So they have continued to negotiate?

12 A. Yes, sir.

13 Q. Once again, with regard to the Morgan County
14 easement, it says a permanent easement and then it has
15 variable width?

16 A. That is correct.

17 Q. That will vary from what to what?

18 A. May I?

19 Q. Sure.

20 A. And for those without the packet in front of
21 them I am going to make a reference to Exhibit A
22 attached to the easement in the Morgan County package.
23 And on page two of six it states right here, you will
24 see in black and white, sir, proposed variable width

1 easement. So that is just a straight carry from the
2 Exhibit A to the calculation sheet. You will notice
3 here it says L1. So if we use the table that is in
4 the back, L1 is 150 feet, and this would be on the
5 parcel designated as A underscore ILRP underscore MP
6 underscore MO underscore 048. And on page five of six
7 for the parcel designated as A underscore ILRP
8 underscore MP underscore MO underscore 050, as well as
9 051 and 052. There is a designation for L10. And if
10 we refer to that same part on page 6 of 6, L10 is also
11 150 feet. And it looks like we have one more call for
12 a C1 at the road. And per page 6 of 6 it appears that
13 we have a length of 115.19 feet. So I would say that
14 that is variable width. It is not a consistent 150
15 feet wide.

16 Q. This same page, we have L1 through L12; is
17 that correct?

18 A. That is.

19 Q. And what does L refer to?

20 A. Length.

21 Q. Where do we get to the width, variable
22 width?

23 A. Well, length is a measure of distance from
24 one point to another. Would you agree?

1 Q. Totally.

2 A. Okay. So if we measure the width, that

3 would also be measuring the length of the width, so

4 one and the same in this scenario.

5 Q. Okay. I presume part of this exhibit is we

6 get to a width somewhere, right? Variable width?

7 A. Uh-huh. (Affirmative).

8 Q. Show me the width, please.

9 A. Well, I just did, sir. You have 150, 150,

10 and 115.19.

11 Q. That's the length. But we have two

12 variables. We have the length and the width.

13 A. Uh-huh. (Affirmative).

14 Q. You've shown me the length, right?

15 A. Oh, I have shown you the length of the width

16 which is --

17 ALJ MR. JOHN ALBERS: Can I interrupt a

18 moment? Just for our benefit up here, are some of the

19 exhibits you referring to also part of Part B to your

20 Exhibit 2.3?

21 A. Part B.

22 MR. MCNAMARA: Let me get these out of your

23 way.

24 MR. DEARMONT: B or D? D as in dog.

1 ALJ MR. JOHN ALBERS: I'm sorry. I
2 apologize. D as in dog. Yes, I misspoke.

3 A. I'm sorry, Judge, can you --

4 ALJ MR. JOHN ALBERS: Just so we can follow
5 along, I wondered if some of the descriptions you are
6 discussing are also in Part D of Exhibit 2.3. Part D
7 references Mr. VanGundy's property.

8 A. Yes, sir. Let's see. They would be pages 6
9 through 11 of 16. And the current area of questioning
10 surrounds specifically page 11. The lines designated
11 at the L1, L10, and then at the bottom C1.

12 ALJ MR. JOHN ALBERS: Okay. Thank you.

13 A. You're welcome.

14 MR. MCNAMARA: I'm once again confused.
15 You've referred me to length. And there are two
16 measurements with regard to any particular portion of
17 easement. One would be length. One would be width.

18 A. Yes, sir. Length times width, sure.

19 Q. Length times width. But just show me the
20 width if you would? I'm sure it's, I presume it's in
21 there?

22 A. It is. We have discussed it. You are just
23 not, you are refusing to acknowledge. It says L1
24 right there. Clearly that is a width designation.

1 And then if you refer to page 11 there is, for those
2 using the exhibit, L1 right there, distance 150 feet.

3 Q. And then what's L2?

4 A. Let's see, L2.

5 Q. From your chart?

6 A. Oh, from the chart. My apologies. .36
7 feet.

8 Q. So that would be less than a foot?

9 A. Yes.

10 Q. Okay. And that, that particular segment,
11 the easement would be less than a foot wide?

12 A. Well, we would need to correlate that to the
13 actual L2 on the exhibit. It's a one to one ratio.
14 One line equals one distance on this chart.

15 Q. Okay. Let's go back to L2 --

16 A. Okay.

17 Q. -- on your --

18 A. On the drawing?

19 Q. Yeah.

20 A. Okay. Sometimes they highlight them.

21 Detail A. See right here on this inset they mark L2
22 right there, so it's going to be here at that marker
23 where it says see Detail A.

24 Q. Okay.

1 A. For those following along on the exhibit,
2 top right of page 2 of 6 of the shaded area.

3 Q. Okay. L2, tell me how wide the easement is
4 at L2?

5 A. Well, again, as we discussed, I'm going to
6 refer you to L1 here.

7 Q. How wide --

8 A. Because this is a distance moving the length
9 whereas L1 was the distance moving the width.

10 Q. Okay. Let's go back to your chart where we
11 have L1.

12 A. Okay. Back to page 11 of 16 in the exhibit.

13 Q. Yes, ma'am. L1 we show 150 feet?

14 A. Yes, sir.

15 Q. But that shows distance; am I correct? I'm
16 not trying to --

17 A. No, it says distance right there. It
18 certainly does. Yes, third column.

19 Q. Show me a chart that shows the width?

20 A. But we have already discussed that that's
21 this right here. Whether it says length or width
22 specifically, it is still the distance from a point to
23 a point, which is still a length, and it is still a
24 distance regardless if you were going to assign it as

1 a width or a length. It is still a distance which is
2 what this says.

3 Q. Okay. So looking at the chart, where we see
4 distance, that could just as well say width; is that
5 correct?

6 A. I think it could just as well say length.
7 I'm not arguing whether it's length or width. This is
8 strictly a distance as it so notes.

9 Q. Okay. Let's go down to L5 on the same
10 chart.

11 A. Okay.

12 Q. What does it show...and that would be the
13 width; is that correct?

14 A. Well, we are going to have to refer back to
15 the exhibit and find L5 in the exhibit to know if it's
16 going to be a length or a width.

17 Q. Okay. Let's just take L5 segment. It's
18 showing a distance of 1,179.12 feet; is that right?

19 A. Yes, sir.

20 Q. Okay. Let's get back to that portion and
21 see --

22 A. All right. So back to page 2 of 6, or 7 of
23 16, we are looking for L5. So you can see that that
24 runs the distance here on the west side of the

1 easement.

2 Q. So are you telling me there that the

3 easement is 1,179.12 feet?

4 A. Long in this case. Perhaps it would be

5 better if, maybe my terminology is causing some

6 confusion. Maybe here you should consider the L to be

7 synonymous with a line. Would that make this easier

8 to interpret?

9 Q. That doesn't help me.

10 A. Okay.

11 Q. What I would like to see is any

12 portion...look at your exhibits.

13 A. Uh-huh. (Affirmative).

14 Q. And it's divided up into various distances.

15 A. Uh-huh. (Affirmative).

16 Q. Can we say this?

17 A. It is.

18 Q. Can we show two elements for a portion of

19 that line? I would like an element for the length and

20 the width?

21 A. Okay.

22 Q. Now we are looking at page 11 of 6 --

23 A. Teen.

24 Q. Excuse me, 16, of ATXI Exhibit 2.3 parens

1 capital D parens. Is that right?

2 A. That is correct.

3 Q. Can you show me on that page two elements
4 for any portion of the line? One element being the
5 length. One element being the width.

6 A. Well, I can't show you anything that is just
7 going to be a one stop shop bottom number this is your
8 distance, this is your width, because it is a variable
9 width easement; and as I made mention previously there
10 is a road at the south end which is curved so it's
11 not, I can't tell you it's X many feet long and X many
12 feet wide and make it very nice, neat, simple with two
13 references, because this is a full platted legal
14 description which lends itself to footages, metes and
15 bounds, and monuments.

16 Q. Okay.

17 A. So --

18 Q. Are we, are we in agreement then that the
19 documents that you have would not show us the minimum
20 width at any one point by feet or inches and the
21 length by any, at any one point?

22 A. I believe I've more than established that.
23 I do not agree with your position, sir.

24 ALJ MR. JOHN ALBERS: Mr. McNamara, do you

1 have more questions in this particular area?

2 MR. MCNAMARA: I think maybe. I will
3 shorten it a little.

4 ALJ MR. JOHN ALBERS: Please do.

5 MR. MCNAMARA: Okay. Now, the documents
6 that we are just going over right now relate to what
7 county?

8 A. This is Morgan County.

9 Q. Okay. Would the same be true to have the
10 same or similar documents with regard to Scott County?

11 A. Yes, sir. Somewhere in here. There we go.

12 Q. If I were to ask you the same or similar
13 questions with regard to Scott County, would you give
14 me the same answers?

15 MR. DEARMONT: I'll object. I don't even
16 know where to start with that one. I mean what does
17 the same and similar questions mean?

18 MR. MCNAMARA: Good point. I will keep it
19 short.

20 MR. DEARMONT: Okay.

21 MR. MCNAMARA: With regard to Scott County,
22 do you have anything in front of you that would show
23 me the maximum width of the easement or the minimum
24 width of the easement?

1 A. Certainly. Judges, and anybody using ATXI
2 Exhibit 2.3 Part D, this would be in reference to
3 pages 15 and 16 of 16. So the same principles we
4 discussed before, Mr. McNamara. If you will look here
5 at the line table, these same L1, L2, L3, and L4
6 designations that were similar to the ones used in the
7 Morgan County exhibit correlate to a line table that
8 give you distances for each of the markers. So in
9 this case you will see, again, a mark as a proposed
10 variable easement of L1 and L3 are going to be your
11 width in this case. So the distance of L1, which is
12 the southern boundary line of the easement running
13 east and west, is 78.49 feet. L3, being the northern
14 portion of the boundary line running east and west, is
15 going to be 82.35 feet. So at its widest point the
16 easement is going 82.35 feet, and at its narrowest
17 78.49. So you can understand why a proposed variable
18 width seems suitable as a description.

19 Q. Okay. So where we are showing distance on
20 these charts we are really showing the width; is that
21 correct?

22 A. Well, again, as I've discussed, you do have
23 to correlate on the line table. So L1 and L3
24 specifically deal with a width of the easement at

1 those two points.

2 Q. Can we show then by looking at this same
3 page at one portion of the easement the width would be
4 1,390.83 feet?

5 A. Sir, again, as we have discussed, that would
6 correlate to L2 which is going to be the length of the
7 easement on the western side running north and south.

8 Q. Okay. We do not have anything on this page
9 that specifically would say that; am I correct? Can
10 we agree to that?

11 A. Again --

12 Q. That would show --

13 ALJ MR. JOHN ALBERS: We are done with this
14 portion.

15 MR. MCNAMARA: Thank you.

16 ALJ MR. JOHN ALBERS: Any other areas?

17 MR. MCNAMARA: Pardon?

18 ALJ MR. JOHN ALBERS: Any other areas of
19 questioning?

20 MR. MCNAMARA: A couple. In addition to the
21 documents entitled an easement and the offer, in the
22 regular course of business, do you agree to what's
23 called confidential settlement agreements?

24 A. ATXI, as a matter of practice on the

1 project, does utilize confidential settlement
2 agreements where applicable with individual landowner
3 negotiations.

4 Q. Are you able to say today whether you've
5 offered a confidential settlement agreement to my
6 client?

7 A. As I've stated, Mr. VanGundy has not raised
8 concerns or issues that would have allowed us to
9 suggest a confidential settlement agreement. However,
10 if there are issues or concerns, ATXI is certainly
11 ready and willing to address those with a confidential
12 settlement agreement as appropriate.

13 Q. Were you present at a meeting on June 26th
14 of this year at which my client met with Mr.
15 Hollenkamp?

16 A. No, sir, I was not.

17 Q. Do you have any records relating to the May
18 26th meeting between my client and Mr. Hollenkamp?

19 A. I would back at our office certainly.

20 Q. To be fair, you are not privy to those
21 conversations?

22 A. Well --

23 MR. DEARMONT: Well, I object. I think that
24 misstates her testimony. She said she wasn't

1 necessarily there or a party to that so...

2 MR. MCNAMARA: Well, you just made the very
3 general statement that my client hadn't brought up
4 anything that would move, lead to the CSA, right?

5 A. That's correct. I've not been provided
6 anything via Mr. Hollenkamp in our discussions that
7 Mr. VanGundy raised issues that we would be addressing
8 with a CSA.

9 ALJ MR. JOHN ALBERS: Please use the
10 microphone again.

11 ALJ MR. STEPHEN YODER: Excuse me. You
12 don't have any documents here describing to me the
13 June 26th meeting between my client and Mr.
14 Hollenkamp?

15 A. Absent the letter, sir, that you provided,
16 no.

17 MR. MCNAMARA: Okay. That's all I have.

18 ALJ MR. JOHN ALBERS: Does Staff have any
19 questions for Ms. Sloan?

20 MS. TURNER: No, we do not.

21 ALJ MR. JOHN ALBERS: Okay. Do you have any
22 redirect?

23 MR. DEARMONT: May I have five minutes?

24 ALJ MR. JOHN ALBERS: Sure. Why don't we

1 all take a five minute recess.

2 MR. DEARMONT: Can we make this one a ten
3 minute recess perhaps?

4 ALJ MR. JOHN ALBERS: That's fine.

5 (At this point a short recess was
6 taken:)

7 ALJ MR. JOHN ALBERS: Everyone is back so we
8 would resume. Mr. Dearmont.

9 MR. DEARMONT: I have a few questions on
10 redirect. Thank you, Judges.

11 EXAMINATION CONDUCTED

12 BY MR. DEARMONT:

13 Q. Ms. Sloan, there was an area of questioning
14 from Mr. McNamara dealing with this file back at your
15 office. I think either you or he referred to as the
16 big file. Do you remember that line of questioning?

17 A. Yes, sir.

18 Q. In general, what is that a reference to?

19 A. The activity note logs that the agents keep
20 through normal course of business chronicling their
21 interactions with the property owners.

22 Q. Okay. And you know my next question. What
23 does that mean? What is an activity log? What are
24 these activity notes?

1 A. It discusses just their meetings, their
2 interactions, whatever form that they may be that goes
3 over what was discussed, what may have been brought
4 up, concerns raised. Just a, like a diary essentially
5 of the activities.

6 Q. And the land agents are required to keep
7 that as a requirement of employment?

8 A. That is correct.

9 Q. And in your role both with the project and
10 in this case you typically review that information?

11 A. Yes, we do in preparation for the testimony
12 in hearings here.

13 Q. Okay. That is not the sole source of your
14 knowledge about negotiations, though, is it?

15 A. No. I also in just day to day activities,
16 if I work with Mr. Hollenkamp addressing, he may bring
17 things up, as well as the other agents, the general
18 oversight of their activities as well.

19 Q. And they can come to you with questions,
20 problems, concerns, proposals?

21 A. Correct.

22 Q. Okay. There were a few references in your
23 discussions to Part D of Exhibit 2.3. Do you remember
24 that line of questioning?

1 A. Yes, sir.

2 Q. Okay, lengths and widths. In general, what
3 is this Part D? What are these exhibits?

4 A. They are, the Exhibit A is referenced in the
5 easements that ATXI seeks, and it is individual to
6 that particular owner and that, those particular
7 pieces of property as outlined and identified on the
8 document, and discusses the actual 150 feet sum total
9 easement that ATXI requires.

10 Q. Okay. Safe to say that they are excerpts
11 from the final plats?

12 A. They are the final plats.

13 Q. Very good. Okay. And the final plats, my
14 lay description, it's the latest, greatest, final
15 version of what we want from Mr. McNamara's client, in
16 this case Mr. VanGundy?

17 A. Correct. Signed by the surveyor.

18 Q. Okay. Signed, stamped, ready to go?

19 A. Correct.

20 Q. In general, how wide is the easement that
21 ATXI needs for the construction, operation of the
22 transmission line?

23 A. ATXI requires a 150 feet wide easement,
24 however, it may not be that each landowner is

1 required, they do require a full 150 feet.

2 Q. Okay. Some folks are going to get 75?

3 A. 83 point something.

4 Q. When I add numbers up, it's going to be 150

5 feet?

6 A. Correct.

7 Q. Okay. And the legal description, as part of

8 the final plat, that does, in fact, reflect a 150 foot

9 wide easement, at least cumulatively? Do you

10 understand what I mean by that?

11 A. I do. And that is also correct.

12 Q. Then I will just ask you what is this

13 concept of variable width? Why is that term here?

14 A. Because it's not always 150 feet wide on any

15 one particular property, and for the full duration of

16 the easement as it runs on that particular piece of

17 property.

18 Q. But, again, I add them up I got 150 feet?

19 A. That is correct.

20 Q. All right. How long has CLS, or ATXI

21 through CLS, been engaged in discussions with Mr.

22 VanGundy?

23 A. Generally a year.

24 Q. To the best of your knowledge has, at any

1 point in time up to and including as we sit here right
2 now, has Mr. VanGundy raised issues specific to
3 access, for example?

4 A. Not specific and said how are you getting to
5 this easement right here.

6 Q. Okay. Well --

7 MR. MCNAMARA: I would object, it doesn't
8 appear that this witness at any time had any direct
9 contact with my client. The only thing we have is
10 back at the office there is the big file that would
11 document the contacts and for some reason they haven't
12 brought it here today. If they want to bring it in,
13 bring it in, but let's not have rank hearsay. It's
14 just not the type of information that we normally
15 would admit at the Commission. It's not the type of
16 thing that people normally rely upon.

17 MR. DEARMONT: I will withdraw the question
18 and see if we can get to perhaps a more compatible
19 line of question.

20 ALJ MR. JOHN ALBERS: All right. Thank you.

21 MR. DEARMONT: If a landowner provides edits
22 to an easement or CSA, do you personally see those
23 edits?

24 A. Yes.

1 Q. All the time or almost all the time?

2 A. Well, the protocol is that the agent is
3 supposed to provide them to myself and I work with
4 counsel to address those issues and respond back with
5 whatever the appropriate solution may be, whether it
6 be CSA language, maps, whatever the solution might be.

7 Q. Okay. Have you personally ever seen
8 language edits generated by Mr. VanGundy or his
9 counsel? By language edits, I mean edits to the
10 easement itself, or maybe even a CSA?

11 A. Not in reference to Mr. VanGundy's property,
12 no.

13 Q. Very briefly here, there was some discussion
14 about the different legal descriptions that are
15 included as part of the final plat, and then maybe as
16 a part of this case. Do you remember the discussion
17 about the transmission line versus the whole parcel?
18 Maybe not?

19 A. Keep going. Maybe.

20 Q. There was a question or questions dealing
21 with what access, what rights we need across the broad
22 parcel versus what rights we need specific to what I
23 will call the 150 feet?

24 A. Yes.

1 Q. Remember that?

2 A. Yes.

3 Q. Okay. The legal description that's included

4 as a part of this case that's tied to the 150 feet

5 that we need, correct, or whatever we need of that 150

6 feet from each individual landowner?

7 A. Marked as Exhibit A, part of Exhibit 2.3,

8 Part D, I think it was pages 11 through 16.

9 Q. Right. I just want to dispel any notion

10 that we can drop the 150 feet any place we feel like

11 on the parcel. That's not correct, is it?

12 A. We need a sum total 150 feet.

13 Q. But that 150 feet is specific as

14 specifically conveyed by the legal description

15 contained in this final plat and submitted as a part

16 of this case, right?

17 A. That's correct.

18 MR. DEARMONT: All right. No further

19 questions.

20 ALJ MR. JOHN ALBERS: Any recross?

21 EXAMINATION CONDUCTED

22 BY MR. MCNAMARA:

23 Q. You have in front of you the exhibits, do

24 you not?

1 ALJ MR. JOHN ALBERS: Which exhibits?
2 MR. MCNAMARA: The exhibits which you
3 sponsored?
4 A. Yes, sir.
5 Q. With regard to Exhibit 2.2, I would ask that
6 you look at it.
7 A. Yes, sir.
8 Q. And Exhibit 2.2 is a list of the landowners
9 in this case; is that not correct?
10 A. That is correct.
11 Q. And it's a redacted list and lists, certain
12 information is excluded?
13 A. The information that is confidential is
14 excluded, that is correct.
15 Q. And that information would be what?
16 A. The, and I'm just reading from the top
17 header on page 104, the appraisal amount per acre, the
18 initial easement compensation offer, the current total
19 easement compensation offer, and a counteroffer from
20 the property owner, or landowner as so designated.
21 Q. And with regard to this particular Exhibit A
22 a non-redacted copy has been furnished to Commission
23 Staff; is that correct?
24 A. That's my understanding.

1 Q. Okay. With regard to 2.3, do you have that
2 in front of you?

3 A. Yes.

4 Q. Do you have 2.3?

5 A. I'm sorry, I answered yes.

6 Q. Okay. What is that exhibit?

7 A. 2.3 is the narrative summary.

8 Q. Pardon?

9 A. The landowner specific narrative summaries.
10 There are --

11 Q. And that would be my client in specific; is
12 that right?

13 A. It says Part A through Part L through the
14 table of contents to ATXI Exhibit 2.3.

15 Q. And my client would be Part D?

16 A. That is correct.

17 Q. Did you prepare that document?

18 A. It was prepared along with counsel.

19 Q. Is it true and correct to the best of your
20 information, knowledge, and belief?

21 A. It is.

22 Q. Okay.

23 A. As of the date of its submittal.

24 MR. MCNAMARA: I believe that's all I have.

1 MR. DEARMONT: No further questions.

2 ALJ MR. JOHN ALBERS: Thank you. And Staff

3 counsel do you have anything?

4 MS. TURNER: No, we do not.

5 ALJ MR. JOHN ALBERS: Okay. Thank you.

6 Then we have the exhibits of Ms. Sloan. Is there any

7 objection to those exhibits?

8 MR. MCNAMARA: No, sir.

9 ALJ MR. JOHN ALBERS: All right. Then the

10 ATXI Exhibits 2, 2.1, 2.2, the confidential public

11 versions, 2.3 Parts A through L, 2.4, 5.0 and 5.1 are

12 admitted.

13 MR. MCNAMARA: Eric, I want to make sure

14 that we are clear on the record. You are not

15 objecting to my VanGundy Exhibit 2.1, --

16 MR. DEARMONT: Well, --

17 MR. MCNAMARA: -- the letter?

18 MR. DEARMONT: -- I would propose you put

19 Mr. VanGundy up. In general, I won't.

20 MR. MCNAMARA: Okay.

21 MR. DEARMONT: I have one question about the

22 underline, and there is also some confidential

23 information contained in that, so I think we probably

24 need to work out a way for you and I to redact that

1 or --

2 MR. MCNAMARA: Well, but surely the Judges
3 will receive a non-redacted copy.

4 MR. DEARMONT: And we would have no
5 objection to that. Fundamentally we will get to where
6 we need to be I think here.

7 MR. MCNAMARA: Good. That's all I have.

8 ALJ MR. JOHN ALBERS: All right. Is there
9 anything further for Ms. Sloan? So thank you.

10 MR. DEARMONT: Thank you.

11 ALJ MR. JOHN ALBERS: Next witness.

12 MS. SEGAL: ATXI would like to call Mr. Rick
13 Trelz, please.

14 RICK TRELZ
15 having previously been first duly sworn upon his oath
16 testified as follows:

17 EXAMINATION CONDUCTED
18 BY MS. SEGAL:

19 ALJ MR. JOHN ALBERS: And for the record
20 were you previously sworn?

21 A. Yes, I was.

22 ALJ MR. JOHN ALBERS: All right.

23 MS. SEGAL: Good morning. Can you please
24 state your full name and business address for the

1 record?

2 A. My full name is Rick D. Trelz. That's
3 spelled T-r-e-l-z. My business address is 420 North
4 2400 East Road, Pana, P-a-n-a, Illinois, 62557.

5 Q. And by whom are you employed?

6 A. I'm employed by Ameren Services.

7 Q. And what is your position with Ameren
8 Services with respect to ATXI in this proceeding?

9 A. I'm a real estate manager.

10 Q. Mr. Trelz, I have before me what's been
11 marked at ATXI Exhibit 1.0, direct testimony of Rick
12 D. Trelz dated June 15th, 2015, along with supporting
13 exhibits ATXI Exhibit 1.1 to 1.3 and ATXI Exhibit 1.4
14 revised filed on e-Docket July 7, 2015. Was this
15 testimony and these exhibits prepared by you or under
16 your direction and supervision?

17 A. Yes, they were.

18 Q. And if I were to ask you the questions
19 contained within today would your answers be the same?

20 A. Yes.

21 Q. And do you also have before you what's been
22 marked ATXI Exhibit 4.0, the rebuttal testimony of
23 Rick D. Trelz filed on e-Docket on July 9th, 2015?

24 A. Yes, I do.

1 Q. And was this prepared by you or under your
2 direction and supervision?

3 A. Yes, it was.

4 Q. And if I asked you the questions contained
5 therein would your answers be the same today?

6 A. Yes.

7 Q. And with regard to your direct and, rebuttal
8 and direct exhibit, is the information contained
9 therein true and correct to the best of your knowledge
10 and belief?

11 A. Yes, sir.

12 MS. SEGAL: Your Honors, I would move for
13 the admission of ATXI Exhibit 1.0, 1.1 to 1.3, 1.4
14 revised, and 4.0.

15 ALJ MR. STEPHEN YODER: No objection
16 following cross. Does Staff have any questions for
17 Mr. Trelz?

18 MS. TURNER: No, your Honor.

19 ALJ MR. STEPHEN YODER: All right. Thank
20 you. Mr. McNamara, or Mr. O'Brien, do you have any
21 cross for Mr. Trelz?

22 EXAMINATION CONDUCTED

23 BY MR. MCNAMARA:

24 Q. Good morning, Mr. Trelz.

1 A. Good morning.

2 Q. Are you personally familiar with the
3 transactions between my client and your Company?

4 A. When you say "personally with the
5 transactions," I'm not sure what you mean. Can you be
6 more specific?

7 Q. Sure. Prior to coming here today, you
8 realized that my client was one of the Intervenors.
9 Yes or no?

10 A. Oh, yes. I didn't realize that was a
11 question.

12 Q. Okay. I'm sorry. What did you do in order
13 to prepare for your testimony here today?

14 A. I just read my direct testimony and my
15 rebuttal testimony basically.

16 Q. Did you do anything to review the
17 transactions between your Company and my client, Mr.
18 Eric VanGundy?

19 A. No, I did not.

20 Q. Do you understand where his property is
21 located?

22 A. I know it's in Morgan and Scott Counties.

23 Q. With regard to what was previously marked
24 Exhibit, VanGundy Exhibit 2.1, have you been made

1 aware of the contents of that particular exhibit?

2 A. Do you have a copy there that I can see,
3 please?

4 Q. Sure. Excuse me. Mr. Trelz, I'm handing
5 you what was marked Intervenor VanGundy Exhibit 2.1.
6 Have you seen that document?

7 A. Yes, I've seen it.

8 Q. And when did you see the document, sir?

9 A. I believe I seen it one day last week.
10 Probably late Thursday.

11 Q. Okay. Did you see it before it went out?

12 A. I don't know when it went out, but I believe
13 I seen it the same day.

14 Q. Okay. And with regard to that particular
15 document does it show that my client is receiving
16 blank per acre for his land in Scott County?

17 A. Our offer is shown there as blank per acre
18 for Scott County.

19 Q. Likewise, does that document show that my
20 client is receiving blank per acre for Morgan County?

21 A. Yes, it does.

22 Q. And is the Scott County blank twice the
23 amount of the Morgan County blank?

24 A. Yes.

1 Q. Are you aware of the justification for the
2 two times difference between Scott and Morgan County?

3 A. It would be based on our appraiser's opinion
4 of value. Obviously the appraiser believes that the
5 property in Scott County, the market value is much
6 higher than the property is in Morgan County.

7 Q. And would this appraisal take into account
8 the entire tract of my client's property in Scott
9 County?

10 A. I would have to review the appraisal to see
11 specifically what the acreage figures were in the
12 appraisal, but typically it would include the value of
13 the larger parcel.

14 Q. Okay. The total parcel? Not the particular
15 parcel relating to the easement?

16 A. It would provide a value for the total
17 parcel.

18 Q. And that is typically how you do this in
19 evaluating and making an offer; is it not?

20 A. Yes, that's correct. We take the per acre
21 price that the appraiser comes up with, and then we
22 multiply that by the number of acres within the
23 easement itself, and that's how we come up with the
24 easement compensation offer.

1 Q. Now, with regard to the easement itself, you
2 are talking about what's attached as Exhibit A to your
3 offer to the client; is that correct? The 150 foot
4 plus or minus on average easement?

5 A. When you say Exhibit A, are you referring to
6 the survey exhibit?

7 Q. Yes. And the legal description. You have a
8 separate legal description for the easement itself; is
9 that not correct?

10 A. We have a legal description for the permit
11 and easement where the line would be placed.

12 Q. Okay. And the amount of acres within the
13 permit and easement in your methodology is multiplied
14 times the value that the appraiser puts on the entire
15 piece of property?

16 A. On a per acre basis, yes.

17 Q. Okay. With regard to my client's property
18 in Scott County, do you know whether or not the
19 easement goes through tillable ground?

20 A. I assume it does because we offered to pay
21 prepaid crop damages as part of the offer in our
22 calculation sheet.

23 Q. With regard to my clients property in Morgan
24 County, are you aware of whether or not the easement

1 in question goes through tillable ground?

2 A. It would be the same answer. I assume so
3 since we offered to pay prepaid damages on our
4 calculation offer sheet.

5 Q. So to the best of your knowledge the
6 easement in Scott County and the easement in Morgan
7 County go through tillable ground?

8 A. At least parts of tillable ground. I don't
9 know, I don't know the exact number of acres of
10 tillable ground it may cross over. But I believe it,
11 based on the calculation sheet, it would cross
12 tillable land, at least portions of it.

13 Q. Do you have papers here today by which you,
14 do you have papers here today by which you can
15 double-check that?

16 A. I just have my testimony and the exhibits
17 and rebuttal testimony.

18 Q. You've testified in previous cases involving
19 requests for eminent domain; have you not?

20 A. I have.

21 Q. Okay. Can we agree that your proposed
22 easement would allow your Company to do a number of
23 other things in addition to the particular power line
24 in question?

1 MS. SEGAL: Objection, I would object as
2 vague. I'm not sure what Mr. McNamara means by "other
3 things."

4 MR. MCNAMARA: Okay. First off, with regard
5 to your easement --

6 ALJ MR. STEPHEN YODER: I'm sorry, are you
7 withdrawing that question and rephrasing?

8 MR. MCNAMARA: Thank you, Judge, and I will.

9 ALJ MR. STEPHEN YODER: Thank you.

10 MR. MCNAMARA: With regard to your proposed
11 easement, would your Company, under the terms of the
12 easement as now written and proposed to my client, be
13 allowed to put additional power lines within that
14 easement?

15 A. I don't believe we would. It does, the
16 language in the easement does say line or lines, the
17 standard easement document that we provide to all
18 landowners to begin the negotiation process, but the
19 intent would be just to place one line there.

20 Q. But reading the easement as written, you
21 could place additional lines; could you not?

22 A. I believe...yeah, I believe we could.

23 Q. Okay.

24 A. I don't, I don't have the copy of the

1 easement in front of me.

2 Q. With regard to the standard easement, would
3 you likewise be allowed to place pipelines or conduit
4 below the ground?

5 A. No.

6 Q. Under your current easement, you couldn't do
7 that?

8 A. I don't believe so. I mean this would all
9 require a legal interpretation. I'm not an attorney.
10 But I'm of the opinion that no you could not put a
11 pipeline within this easement.

12 Q. With regard to this particular easement,
13 could you use it for telecommunications purposes?

14 A. It provides the rights to use it for
15 telecommunications purposes which is intended to be
16 for Ameren's internal use.

17 Q. But looking at it on its face could you
18 utilize it for telecommunications purposes?

19 A. As written, I would assume you could.
20 Again, that would require a legal interpretation.

21 Q. I'm going to refer your attention to your
22 rebuttal testimony. Do you have it in front of you,
23 sir?

24 A. Yes, I do.

1 Q. I'm going to refer your attention to lines
2 82 through 90 inclusive. Do you have that in front of
3 you?

4 A. Yes.

5 Q. Now you have previously testified that my
6 client did not provide crop receipts for you?

7 A. Yes. We have not seen any crop receipts.

8 Q. But yet you are paying my client for damages
9 relating to lost crops over a period of time; is that
10 not correct?

11 A. We may --

12 Q. Excuse me, with regard to both Morgan and
13 Scott County?

14 A. We have made an offer to Mr. VanGundy if he
15 would like to be paid prepaid damages. He has not, he
16 does not have to accept that. If he would prefer, we
17 can come back and pay actual damages. But it is an
18 offer, yes.

19 Q. And what did you base your offer upon, sir?

20 A. The offer was based on the county wide yield
21 averages and the commodity price per bushel at the
22 time we, at the time the initial offer was created and
23 provided to Mr. VanGundy.

24 Q. And am I correct that the price per bushel

1 in both counties would be the same?

2 A. That is correct.

3 Q. And the variance would be based upon the

4 productivity of Scott versus Morgan Counties?

5 A. Yes. Based on the county average

6 information.

7 Q. And that's what you utilized to prepare your

8 offer?

9 A. Yes, sir, that's what we use for our offer.

10 Q. And the Morgan County production, in

11 general, is higher than Scott County; is it not, sir?

12 A. Based on the county wide information that we

13 obtained, yes.

14 Q. Okay. Now I'm going to refer your attention

15 to lines 118 through 132.

16 MR. DEARMONT: What was the last one? 118

17 through?

18 MR. MCNAMARA: Let's go through 134.

19 MR. DEARMONT: Okay. Thank you.

20 MR. MCNAMARA: First as, directly as to 118

21 and 119, your appraiser appraised the total farm in

22 Scott County and the total farm in, farm in Morgan

23 County; is that correct?

24 A. That's correct.

1 Q. And it was a different per acre value; is
2 that correct?

3 A. Yes.

4 Q. And why was it a different per acre value?

5 A. I believe the primary reason was because of
6 the productivity index score between the two parcels
7 that the appraiser determined through his analysis of
8 the properties.

9 Q. And do you know why, taking the total
10 acreage in Morgan County and the total acreage in
11 Scott County, there would be a different productivity
12 level?

13 A. Could you rephrase that? I'm sorry.

14 Q. Yes. If you took the total acreage that my
15 client owns in Scott County, and based production on
16 that, and took the total acreage that my client owns
17 in Morgan County, and based production on that, can
18 you tell me why the appraiser came up with a different
19 production value?

20 A. I'm still having a hard time following your
21 question. I mean I know the property in Morgan
22 County, the easement would cover more acres.

23 Q. Okay.

24 A. Is that what you are getting at, Mr.

1 McNamara?

2 Q. That's correct.

3 A. Okay.

4 Q. And then also if you took all of my client's

5 property in Morgan County would some timberland be

6 featured?

7 A. It may be. I would have to look at the

8 appraisal. I don't know specifically.

9 Q. With regard to my client's property in Scott

10 County, are you aware of the fact that the easement in

11 Scott County goes entirely through tillable ground?

12 A. I believe it probably does because as I

13 recall in reviewing the appraisal the appraiser

14 indicated that it was 100 percent tillable.

15 Q. Okay. And with regard to that ground you

16 are seeking a 75 foot wide easement in Scott County;

17 is that correct?

18 A. I believe that's correct.

19 Q. And the poles in question would be placed

20 near a property border; is that not correct?

21 A. Yes.

22 Q. With regard to Morgan County, are you aware

23 of the fact that my clients, the portion, the easement

24 itself is going to be placed entirely upon tillable

1 ground?

2 A. I'm not aware if it's all tillable or not,
3 but subject to check I'll, I'll accept that.

4 Q. Would you be aware of the fact that in
5 Morgan County the proposed easement is going to be
6 some 60 feet into property that is all tillable?

7 A. Are you saying the center line will be 60
8 feet?

9 Q. Yes, sir.

10 A. Okay. I believe I've seen a plat that does
11 show it being into the field more than the property in
12 Scott County.

13 Q. With regard to lost crops, if both
14 properties are totally tillable, my client would have
15 substantially more lost crops in Morgan County, would
16 he not, based upon that assumption?

17 A. He would, he would because it's more acres.
18 In Scott County we're, we're taking an easement 75
19 feet from Mr. VanGundy and 75 feet from his neighbor.
20 In Morgan County, I believe we are taking a full 150
21 foot wide easement so, you know, there is going to be
22 more acres that are subject to the easement in Morgan
23 County, so the more acres would equate to more crop
24 damages, which is part of our calculation offer for

1 prepaid damages to your client.

2 Q. And equally important in both counties the
3 easements are going to be going through tillable
4 ground?

5 A. Yes. I don't deny that.

6 Q. Okay. But yet in Morgan County you are
7 going to reduce the value of the acreage within the
8 easement based upon additional acreage outside the
9 easement?

10 A. I don't agree with that at all. The basis
11 of our offers is based on the opinion of a licensed
12 real estate appraiser. And to date I have received
13 nothing from you, or your client, to show anything
14 different than that. There has been no documentation,
15 no appraisal to demonstrate that. So I, I disagree
16 with your premise.

17 Q. Okay. With regard to my client's land in
18 Morgan County, the appraiser appraised all of the land
19 as opposed to just appraising the value of the land
20 within the easement? Is that not correct?

21 A. He, he, he came up with a price per acre
22 based on the entire parcel of land, and that's what's
23 used as part of our offer.

24 Q. And part of the acreage was outside the

1 easement and non-tillable?

2 A. Perhaps. Subject to check I would, I would
3 take your word for it.

4 Q. And the easements in both counties are,
5 subject to check, are tillable land?

6 A. Yes.

7 MR. MCNAMARA: Nothing further. Thank you,
8 Mr. Trelz.

9 EXAMINATION CONDUCTED

10 BY ALJ MR. STEPHEN YODER:

11 Q. I just have one or two questions just to
12 verify because I'm having trouble finding anything on
13 this computer.

14 You talked about one of the factors in your
15 evaluation being crop yields, correct?

16 A. Productivity, yes.

17 Q. Okay. And that is a county wide number that
18 you obtained? That your appraiser obtained?

19 A. Okay. Just to be clear in our, in our
20 offers to land owners, we offer prepaid damages. It's
21 over a five year period. And in total we are offering
22 300 percent of the crop damage to cover diminished
23 crop loss because of compaction and things like that.
24 The offers we make are based on the county yield

1 averages put out by the United States Department of
2 Agriculture. Is that --

3 Q. That's what I was, I was wanting to confirm
4 it was with the USDA.

5 A. Okay.

6 Q. And is that crop yield average that's coming
7 to light also used in evaluating the fee simple value
8 of the property?

9 A. The, the, the appraisers we use actually,
10 they may look at that but they actually have a
11 different application or software that they subscribe
12 to that actually provides the soil conditions and it
13 goes into a lot more detail and it actually assigns a
14 productivity index, and that's what they base their
15 opinions on.

16 ALJ MR. STEPHEN YODER: Okay. I don't have
17 anything else. Do you need a few minutes to talk to
18 your witness?

19 MR. DEARMONT: Very briefly. Just a few
20 minutes.

21 ALJ MR. STEPHEN YODER: Off the record then
22 for a couple of minutes.

23 (At this point a short recess was
24 taken:)

1 ALJ MR. STEPHEN YODER: Back on the record.

2 Any redirect?

3 MS. SEGAL: Just very briefly, your Honor.

4 EXAMINATION CONDUCTED

5 BY MS. SEGAL:

6 Q. Mr. Trelz, Judge Yoder asked you some
7 questions about the productivity index. Can you
8 explain what exactly the productivity index is?

9 A. Well, the productivity index is something
10 that our appraisers use to determine the productivity
11 of land. It's a, it's a relative number that
12 identifies different conditions that can lead to the
13 productivity. Soil conditions, that type of thing.
14 So it does not equate to bushels per acre, but it is
15 just a relative number that is assigned. And the
16 higher that number the more productive the land is.

17 MS. SEGAL: Thank you, Mr. Trelz. I have no
18 further questions.

19 ALJ MR. STEPHEN YODER: Any recross?

20 MR. MCNAMARA: Yes, sir.

21 EXAMINATION CONDUCTED

22 BY MR. MCNAMARA:

23 Q. Mr. Trelz, first off, I'm going to hand you
24 your offer with regard to the Scott County land which

1 is dated 4/8/2015. And the crop damage is based upon
2 productivity numbers; is that correct?

3 A. No.

4 MS. SEGAL: Mr. McNamara, do you have an
5 exhibit number?

6 MR. MCNAMARA: I do not. It's based upon
7 the worksheet that...

8 MR. DEARMONT: Well, can I identify it for
9 the record?

10 MR. MCNAMARA: Sure.

11 MR. DEARMONT: It looks to be a calculation
12 worksheet dated 4/8 of this year related to Mr.
13 VanGundy's Scott County property.

14 MR. MCNAMARA: Correct.

15 MR. DEARMONT: Is that accurate?

16 MR. MCNAMARA: Thank you, sir. With regard
17 to the Scott County property, it's showing a yield per
18 acre of 142.45 bushels per acre; is that correct?

19 A. That's correct. For the corn, yes.

20 Q. Okay. With regard to soybeans, the Scott
21 County property is showing a yield of 47.75 bushels of
22 soybeans per acre; is that correct?

23 A. Yes.

24 Q. With regard to the Morgan County property,

1 how do you want to identify it?

2 MR. DEARMONT: We will call it a calc sheet
3 dated 5/18/2015 relating to Mr. VanGundy's Morgan
4 County properties.

5 MR. MCNAMARA: With regard to the Morgan
6 County property, you are showing a production per acre
7 with regard to corn of 151.85 acres, bushels per acre?

8 A. That's correct.

9 Q. With regard to the Morgan County property,
10 likewise you are showing a yield of 50.8 bushels per
11 acre?

12 A. Correct.

13 Q. Both of those figures in excess of the
14 figures that you are showing for Pike County?

15 A. That's correct.

16 MR. DEARMONT: Scott.

17 MR. MCNAMARA: Excuse me, Scott.

18 A. Scott.

19 MR. MCNAMARA: Thank you.

20 A. Okay.

21 MR. DEARMONT: No further questions.

22 ALJ MR. STEPHEN YODER: Thank you. Any
23 objection then to the admission of Mr. Trelz, let's
24 see if I can pull it up.

1 MS. TURNER: No objection from Staff.

2 ALJ MR. STEPHEN YODER: No objection from

3 Staff. The direct testimony with the accompanying

4 exhibits with one point...I'm sorry, which one was

5 revised? 1.4?

6 MS. SEGAL: Yes.

7 ALJ MR. STEPHEN YODER: All right. 1.4,

8 which was revised, as well as ATXI Exhibit 4.0, the

9 rebuttal of Mr. Trelz. Any objection to the admission

10 of those documents?

11 MR. MCNAMARA: No objection.

12 ALJ MR. STEPHEN YODER: Those will be

13 admitted into evidence in this docket. You may step

14 down. Mr. Rockrohr going to go next?

15 MR. DEARMONT: Do we want to clean up Mr.

16 Murbarger or do that at the --

17 ALJ MR. STEPHEN YODER: Sure. You can do

18 that now.

19 MR. DEARMONT: I believe that all parties

20 and the Judge has indicated that they had no questions

21 for Mr. Murbarger, so subject to your approval we

22 would move for the admission of Ameren Exhibits 3.0

23 and 3.1 representing the direct testimony and

24 supporting affidavit of ATXI witness Jerry A.

1 Murbarger. His direct testimony was filed on June
2 15th of this year, and his affidavit I know has been
3 executed and we would expect that will be filed later
4 today.

5 ALJ MR. STEPHEN YODER: All right. Any
6 objection to Mr. Murbarger, to the admission of Mr.
7 Murbarger's direct testimony as supported by his
8 affidavits?

9 MR. MCNAMARA: No, sir.

10 MS. TURNER: No.

11 ALJ MR. STEPHEN YODER: All right then. His
12 affidavit is filed then. The testimony will be, with
13 the accompanying exhibit, will be admitted into
14 evidence in this step. Thank you.

15 ALJ MR. JOHN ALBERS: Mr. Rockrohr, you were
16 previously sworn, correct?

17 A. Correct.

18 ALJ MR. JOHN ALBERS: And, counsel, which
19 one of you would like to introduce Mr. Rockrohr?

20 MS. TURNER: Sorry, Judge, I don't think
21 your microphone was on.

22 ALJ MR. JOHN ALBERS: Oh. You are correct.
23 Which one of you would like to introduce Mr. Rockrohr?

24 GREG ROCKROHR

1 having previously been first duly sworn upon his oath
2 testified as follows:

3 EXAMINATION CONDUCTED

4 BY MS. TURNER:

5 Q. Yes. Thank you. Good morning, Mr.

6 Rockrohr. Can you please state your name for the
7 record?

8 A. My name is Greg Rockrohr, R-o-c-k-r-o-h-r.

9 Q. And by whom are you employed and in what
10 capacity?

11 A. I'm an electrical engineer at the Illinois
12 Commerce Commission.

13 Q. Mr. Rockrohr, do you have in front of you
14 what has been previously filed on e-Docket as ICC
15 Staff Exhibit 1.0, the direct testimony of Greg
16 Rockrohr --

17 A. Yes.

18 Q. -- and was filed on e-Docket on July 7th,
19 2015?

20 A. Yes, I do.

21 Q. And was ICC Staff Exhibit 1.0 prepared by
22 you or under your direction, supervision, and control?

23 A. Yes.

24 Q. Do you have any additions, deletions or

1 modifications to make to that narrative testimony?

2 A. No.

3 Q. If I were to ask you today the same series
4 of questions set forth in your testimony would your
5 answers be the same?

6 A. Yes.

7 MS. TURNER: At this time Staff would move
8 to admit into evidence the direct testimony of Greg
9 Rockrohr Staff Exhibit 1.0 and tender Mr. Rockrohr for
10 examination.

11 ALJ MR. JOHN ALBERS: Does anyone have any
12 questions of Mr. Rockrohr?

13 MR. MCNAMARA: I will have a few, Judge.

14 MR. DEARMONT: ATXI does not.

15 ALJ MR. JOHN ALBERS: All right. Mr.
16 McNamara.

17 EXAMINATION CONDUCTED

18 BY MR. MCNAMARA:

19 Q. Mr. Rockrohr, I will refer you to your
20 testimony, lines 34 through 45. Do you have those in
21 front of you, sir?

22 A. Yes.

23 Q. Prior to presenting this testimony, were you
24 furnished documents by ATXI?

1 MS. TURNER: I'm just going to object to the
2 form of the question. If you could be more specific
3 as to what documents you are asking about.

4 MR. MCNAMARA: Mr. Rockrohr, in forming your
5 testimony, what did you utilize?

6 A. Largely the petition and direct testimony
7 offered by ATXI, and perhaps you may be ultimately
8 referring to a, a CD or a compact disc that ATXI
9 provided to me at the time that it filed its direct
10 testimony.

11 Q. Specifically with regard to lines 40 through
12 42 of your testimony, do you have, can you read that
13 to us starting with number three?

14 A. Number three, whether the utility's offers
15 of compensation to affected landowners are comparable
16 to offers made to similarly situated landowners. And,
17 number four, whether the utility has made an effort to
18 address landowner concerns.

19 Q. With regard to item number three, sir, with
20 regard to compensation, were you furnished on the disc
21 that you just exhibited here compensation to other, to
22 the various landowners involved in this case?

23 A. My recollection is that the worksheets are
24 included on that CD.

1 Q. And the worksheets specifically that you
2 received would have included the actual amounts
3 offered to other landowners involving this particular
4 petition?

5 A. Correct. There was an entry for the various
6 affected landowners, so a folder designation for each
7 of the identified landowners in ATXI Exhibit 2.3 Items
8 A through L. So each of those landowners had a
9 folder.

10 Q. And in each of those folders there would be
11 a compensation offer that would be set forth in
12 dollars and cents?

13 A. My recollection is that's the case, yes.

14 Q. Okay. And in forming an opinion as to item
15 number three did you take into consideration the
16 various offers made to the various landowners?

17 A. Actually I didn't look at the worksheets
18 that were provided, because I don't have any expertise
19 in the valuation of property personally. What I
20 looked at was the methodology that ATXI used when
21 forming its offers, as well as the communications,
22 i.e. records of letters and e-mails perhaps that went
23 back and forth to make sure that communication did in
24 fact occur.

1 Q. And you can use your testimony if you would
2 like, but please explain to me the methodology upon
3 which you based your opinion?

4 A. Sure. Generally what...I will tell you my
5 understanding of ATXI's methodology is that initially
6 a representative will contact the landowner with a
7 presentation that involves calculating an offer using
8 a worksheet in an appraisal from a firm where, where
9 the same firm was used for each of the landowners so
10 that we had consistency with the appraise, appraisals
11 themselves. Then my understanding is that ATXI would
12 take into account, as Mr. Trelz was talking about, the
13 productivity of the property in trying to come up with
14 a crop damage number that would be added to the value
15 of the land itself that would be included in the
16 easement. And, finally, it is my understanding that
17 ATXI would take into account counteroffers or
18 appraisals that the landowners would submit that
19 perhaps would provide a different valuation than
20 ATXI's own appraisal, and try to negotiate with the
21 landowner based on all the available information.
22 That's my understanding of their process.

23 Q. You've been present here in the hearing room
24 throughout, have you not?

1 A. Today, yes.

2 Q. Okay. And most recently did you hear the
3 testimony of Mr. Trelz?

4 A. I did.

5 Q. Based upon that testimony, are you aware of
6 the fact that the easements, both in Scott and Morgan
7 County, go through totally tillable land?

8 A. My recollection of Mr. Trelz's testimony was
9 that that seemed likely.

10 Q. Okay.

11 A. Yeah.

12 Q. I know you didn't have the exhibits in front
13 of you, but had Mr. Trelz testified as to the per
14 bushel production both for corn and soybeans with
15 regard to the per acres both in Scott and Morgan
16 County, did you hear that testimony?

17 A. Yes, I did.

18 Q. Based upon that testimony, did it appear to
19 you that Morgan County was producing somewhat more on
20 both corn and soybean per acre?

21 MR. DEARMONT: I will object at this point.
22 I don't know that it's going to be helpful to have Mr.
23 Rockrohr summarize Mr. Trelz's testimony.

24 MR. MCNAMARA: I will make it short, Judge.

1 ALJ MR. JOHN ALBERS: Please do.

2 MR. MCNAMARA: Okay. Thank you.

3 A. My recollection was what you said is
4 accurate.

5 Q. Likewise - I don't know - have you been made
6 privy to the July 9 letter from CLS to my client?

7 A. I would have to say likely not.

8 Q. Mr. Rockrohr, I'm going to show you what was
9 previously marked as Intervenor VanGundy Exhibit 2.1.

10 A. Do you want me to take a --

11 Q. Take a look at it.

12 A. Okay.

13 Q. Does it appear to you that ATXI through
14 CLS --

15 MS. TURNER: Excuse me, Mr. McNamara, can
16 you step closer to the microphone?

17 MR. MCNAMARA: I'm sorry.

18 MS. TURNER: Thank you.

19 MR. MCNAMARA: Mr. Rockrohr, does it appear
20 to you that ATXI through CLS is offering my client
21 twice the per acre value for the easement acreage in
22 Scott County versus Montgomery County?

23 MR. DEARMONT: Morgan.

24 MR. MCNAMARA: Excuse me, Morgan.

1 A. It looks like slightly more than twice.

2 MR. MCNAMARA: Okay. Thank you. That's all

3 I have of this witness. Thank you.

4 ALJ MR. JOHN ALBERS: All right. Ms.

5 Turner, do you have any redirect?

6 MS. TURNER: Can I just have one minute to

7 confer with my client, please?

8 ALJ MR. JOHN ALBERS: All right. Good luck

9 doing that.

10 A. Do you want me to give you a call?

11 MS. TURNER: Yes, please.

12 (AT this point a short recess was

13 taken:)

14 MS. TURNER: Judge, I just have a quick

15 follow-up.

16 ALJ MR. JOHN ALBERS: Back on the record.

17 Go ahead.

18 EXAMINATION CONDUCTED

19 BY MS. TURNER:

20 Q. Thank you. Mr. Rockrohr, a few minutes ago

21 Mr. McNamara asked you a question regarding lines 40

22 to 42 of your testimony. Do you recall that?

23 A. Yes, I do.

24 Q. And specifically he asked you about when you

1 formulated an opinion on item number 3 which was
2 whether the utility's offers of compensation to
3 affected landowners are comparable to offers made to
4 similarly situated landowners; is that correct?

5 A. Yes, I do recall that question.

6 Q. And I just wanted to have you clarify on the
7 record what opinion, if any, you formulated on item
8 number three?

9 A. Again, as I stated, I looked at the
10 methodology that ATX used - and I have no expertise in
11 valuation of property - so my evaluation had to do
12 with the methodology that ATX used.

13 Q. And just to clarify you have no opinion
14 regarding the actual dollar amounts of any of the
15 monetary offers, correct?

16 A. That's right. And that's what I say, I
17 believe, at line 134 to 137 of my direct testimony.

18 MS. TURNER: Okay. Thank you. I have no
19 further redirect.

20 ALJ MR. JOHN ALBERS: Any recross?

21 MR. MCNAMARA: No, sir.

22 ALJ MR. JOHN ALBERS: All right. Any
23 objection then to the admission of Staff Exhibit 1?

24 MR. MCNAMARA: I have none.

1 MR. DEARMONT: No objection.

2 ALJ MR. JOHN ALBERS: Thank you. Hearing

3 none, then Staff Exhibit 1 is admitted. Thank you,

4 Mr. Rockrohr. I think our final witness then is Mr.

5 VanGundy.

6 ALJ MR. STEPHEN YODER: Mr. VanGundy, first

7 you were previously sworn; is that correct?

8 A. Yes, your Honor.

9 ALJ MR. STEPHEN YODER: Mr. McNamara.

10 ERIC VANGUNDY

11 having previously been first duly sworn upon his oath

12 testified as follows:

13 EXAMINATION CONDUCTED

14 BY MR. MCNAMARA:

15 Q. Mr. VanGundy, would you state your name for

16 the record, sir?

17 A. Raymond Eric VanGundy.

18 Q. And you've intervened in this case and

19 objected to the Commission authorizing ATXI to

20 exercise eminent domain with regard to your property?

21 A. Yes, sir.

22 Q. I'm going to show you, sir, what was

23 previously marked Intervenor VanGundy Exhibit 2.1.

24 Are you familiar with that document?

1 A. Yes, I am.

2 Q. When did you receive that document, sir?

3 A. Last Saturday. The 11th of July.

4 Q. And prior to receiving that document had you

5 had discussions with a Mr. Hollenkamp who had

6 previously been identified in this case?

7 A. Yes.

8 Q. When did you have discussions last with Mr.

9 Hollenkamp?

10 MR. DEARMONT: Well, I'm going to object at

11 this point. I think we are veering into an area we

12 don't need to veer here. I don't know whether or not

13 to call this additional direct or rebuttal or what,

14 but I think we have his direct testimony to deal with,

15 and that Exhibit 2.1 to deal with.

16 MS. TURNER: I'm sorry, we can't hear the

17 objection.

18 ALJ MR. STEPHEN YODER: Why don't you

19 restate the objection for Staff.

20 MR. DEARMONT: Ms. Turner, this is Eric. I

21 objected to the extent that this is starting to veer

22 into the offer of additional testimony, and suggested

23 we deal with the direct filing and then what has been

24 styled as Exhibit 2.1 exclusively. Thank you.

1 ALJ MR. STEPHEN YODER: Mr. McNamara.

2 MR. MCNAMARA: At this time I would offer

3 what was marked Intervenor VanGundy Exhibit 2.1 and

4 ask that it be admitted into evidence.

5 ALJ MR. STEPHEN YODER: Any objection?

6 MR. DEARMONT: No objection subject to the

7 proper treatment of the figures identified therein,

8 and subject to the confirmation that we did not

9 highlight whatever phrase, clause, sentence is

10 highlighted on your copy. Subject to those two

11 friendly amendments, I have no objection.

12 MR. MCNAMARA: That's good. And I would

13 think we would want to take care of it because it was

14 filed this morning, so we are going to want to do

15 something about that. I would like the Judges to have

16 an unredacted copy.

17 ALJ MR. STEPHEN YODER: Which we have.

18 MR. DEARMONT: Okay.

19 ALJ MR. STEPHEN YODER: So my understanding,

20 Mr. McNamara, is that you will work with the clerk's

21 office to withdraw the motion that you filed which was

22 denied, or file it as confidential, or file it in both

23 the public and confidential version?

24 MR. MCNAMARA: Mr. Dearmont and I will work

1 on that right away.

2 ALJ MR. STEPHEN YODER: And then 2.1, you
3 and Mr. Dearmont will work to redact that and probably
4 best file public and confidential versions of your
5 2.1.

6 MR. DEARMONT: Okay.

7 ALJ MR. STEPHEN YODER: Will that work?

8 MR. DEARMONT: That, that will work. I
9 think it probably would work best if we just took down
10 the motion this morning and all of the documentation
11 and then just work to address a public and a private
12 version of 2.1.

13 MR. MCNAMARA: I would like to have both a,
14 I would like the motion to somehow stay on the record.

15 MR. DEARMONT: I can understand that.

16 MS. TURNER: I think the motion should also
17 stay in the record in a confidential redacted version.

18 MR. DEARMONT: I can understand that. Yeah,
19 we will work on that.

20 ALJ MR. STEPHEN YODER: All right.

21 MR. MCNAMARA: Mr. VanGundy, next I'm going
22 to hand you VanGundy Exhibit 1.0, 1.1, and 1.2 and I
23 would ask that you look at those documents, sir.

24 A. And --

1 Q. With regard to those documents, sir, are
2 they true and correct --

3 A. Yes.

4 Q. -- to the best of your information,
5 knowledge, and belief?

6 A. Yes, they are.

7 Q. If I were to ask you the same questions and
8 refer your, refer you to the same exhibits, would your
9 answers be the same?

10 A. Yes.

11 Q. I would move for the admission of Intervenor
12 VanGundy Exhibit 1.0, 1.1, and 1.2.

13 ALJ MR. STEPHEN YODER: See if there is any
14 cross and then we will deal with the admissibility
15 during the cross on 1, VanGundy 1.1 with the
16 accompanying two exhibits.

17 MR. DEARMONT: No, no questions and no
18 objection.

19 ALJ MR. STEPHEN YODER: Any cross from Staff
20 for Mr. VanGundy?

21 MS. TURNER: No, your Honor.

22 ALJ MR. STEPHEN YODER: All right. Then
23 it's, Mr. VanGundy's direct testimony identified as
24 VanGundy Exhibit 1.0 with the two accompanying

1 exhibits are admitted into evidence in this matter.

2 Were those filed public and confidential

3 versions, Mr. McNamara?

4 ALJ MR. JOHN ALBERS: 1.1 and 1.2 anyway.

5 MR. MCNAMARA: Yes. Yes, we did.

6 ALJ MR. STEPHEN YODER: Okay.

7 ALJ MR. JOHN ALBERS: Okay.

8 MR. MCNAMARA: Next I want to make an offer

9 of proof.

10 ALJ MR. STEPHEN YODER: All right.

11 MR. DEARMONT: Can I clear up 2.1 first?

12 I'm sorry to speak out of turn here. Was that

13 formally offered and accepted?

14 ALJ MR. STEPHEN YODER: We have not gotten

15 to the acceptance because, I don't think I said

16 admitted. My understanding is that you, Mr. McNamara,

17 you and Mr. Dearmont -- let me start at the beginning.

18 That motion, I don't know if you or Mr. O'Brien would

19 know, was it filed as like a scanned PDF or was it,

20 the actual PDF version filed? Was it all one because

21 then you could talk to the clerk, if it's separate

22 pages, you could file that as the confidential version

23 and then file a redacted public version.

24 MS. TURNER: Your Honor, I believe what was

1 served is probably also what was filed, and what was
2 served looks like a scanned version. I don't know
3 whether the clerk would be able to redact it.

4 ALJ MR. STEPHEN YODER: All right. That may
5 be an issue best served by the chief clerk, whether
6 they can just mark that as confidential. And then you
7 can file a public version of your motion to admit
8 additional testimony.

9 Assuming that you and Mr. Dearmont can work
10 out a proper public and confidential version of 2.1
11 then, my understanding is that will be admitted
12 without objection.

13 MR. DEARMONT: Thank you.

14 ALJ MR. STEPHEN YODER: Do you have an offer
15 of proof?

16 MR. MCNAMARA: Yes, sir.

17 ALJ MR. STEPHEN YODER: On your information
18 that was contained in the motion?

19 MR. MCNAMARA: Correct, Judge.

20 I'm going to make this offer of proof. I'm
21 going to ask my client the questions, and we will do
22 it that way.

23 Mr. VanGundy, last week were you served
24 certain data requests? Questions that you had to

1 answer based upon your knowledge of the case, based
2 upon why you were objecting to the amount that was
3 being tendered to you at this time?

4 A. Yes.

5 Q. I'm going to hand you, sir, what was marked
6 as Exhibit A to our motion that we filed this morning.
7 And I would ask you that you take a look at Exhibit A
8 and ask if those were the questions that you answered
9 for ATXI in this docket?

10 Are those questions that you answered that
11 were given to you, which I gave to you which were
12 given to me by ATXI?

13 A. I don't understand the question. Is it
14 referring to these or are these the questions?

15 Q. Excuse me. First regarding ATXI-BG 1.01.
16 Was this a question that you were asked by ATXI?

17 A. Yes.

18 Q. And did you give the response that is set
19 forth on Exhibit A?

20 A. Yes.

21 Q. And is that response still true and correct
22 as you sit here today?

23 A. Yes.

24 Q. I next refer your attention to ATXI-BG 1.03.

1 Was this a question that was asked to you by ATXI?

2 A. Yes, it was.

3 Q. And was that the answer that you gave?

4 A. Yes, it is.

5 Q. And is that answer still true and correct as

6 you sit here today?

7 A. Yes, it is.

8 Q. I now refer your attention to ATXI-BG, dash

9 BG space 1.04. Was that a question that was asked to

10 you by ATXI?

11 A. Yes.

12 Q. And was that an answer that you gave to that

13 particular question?

14 A. Yes.

15 Q. And is that answer still true and correct as

16 you sit here today?

17 A. Yes.

18 Q. I next refer your attention to what was

19 marked as Exhibit B to our motion entitled rebuttal

20 testimony of Eric VanGundy Exhibit 2.0.

21 Did you review this testimony today prior to

22 coming here?

23 A. Yes, I did.

24 Q. Is that testimony still true and correct as

1 you sit here today?

2 A. Yes, that is my testimony, and I do agree.

3 MR. MCNAMARA: That's all I have in my offer
4 of proof. Thank you, Judge.

5 ALJ MR. STEPHEN YODER: All right. With
6 that, Mr. Dearmont, or Ms. Segal, do you have any
7 cross-examination based on the offer of proof?

8 MR. DEARMONT: We do not.

9 ALJ MR. STEPHEN YODER: Okay. Thank you. I
10 think Judge Albers may have had a question or two for
11 Mr. VanGundy.

12 ALJ MR. JOHN ALBERS: Yeah, just one
13 clarifying question, sir.

14 EXAMINATION CONDUCTED

15 BY ALJ MR. JOHN ALBERS:

16 Q. I've heard Ameren make the statement but I
17 wanted to hear it from you as well.

18 MS. TURNER: Excuse me, your Honor, can you
19 turn on your microphone?

20 ALJ MR. JOHN ALBERS: I'm sorry. Thank you
21 for reminding me.

22 I heard the Ameren witnesses make the
23 statement, but I wanted to ask you as well just so the
24 record is clear. Have you yourself proposed any

1 particular language revisions to the easement
2 documents or made any kind of particular counteroffer?

3 A. My counteroffer was based upon an easement
4 proposed by Dakota Access Pipeline which is being
5 negotiated within a mile and a half on very similar
6 productive farm ground.

7 Q. Did you actually give them a dollar amount,
8 give ATXI a dollar amount with this counteroffer?

9 A. The dollar amount was per acre on, based on
10 the information I gave them. The exhibit with the
11 Dakota's Access Pipeline, what their valuation of
12 their, of the property was. I, I can provide an
13 appraisal. I haven't had time to provide one, but I
14 would provide an appraisal.

15 Q. Okay. And you didn't, if I understand the
16 testimony that's been previously admitted, you didn't
17 mention the Dakota Pipeline offer until very recently;
18 is that correct?

19 A. I had spoken to Mr. Hollenkamp almost on
20 every occasion, since both negotiations were going on
21 simultaneously, I had mentioned the negotiations with
22 the pipeline company on the adjacent property. Yes, I
23 had mentioned it.

24 Q. When, though? When did that happen?

1 A. We had not had a face to face meeting in
2 approximately three months prior to the June 26th
3 meeting, but I had mentioned it on our prior face to
4 face meeting.

5 Q. Okay. All right. Thank you.

6 MR. MCNAMARA: Just one follow-up.

7 MR. DEARMONT: May I?

8 MR. MCNAMARA: Go ahead. I'm sorry, Eric.

9 MR. DEARMONT: I don't know order wise. I
10 do have two questions.

11 MR. MCNAMARA: Go ahead, and then I will.

12 EXAMINATION CONDUCTED

13 BY MR. DEARMONT:

14 Q. All right. Mr. VanGundy, Dakota Access
15 Pipeline did not provide you with an appraisal,
16 correct?

17 A. They did not provide me an appraisal, no.

18 Q. Are you part of a pending appeal group?

19 A. Concerning?

20 Q. The routing of the transmission line at
21 issue here?

22 A. Yes, I am.

23 MR. DEARMONT: Okay. No further questions.

24 Thank you.

1 EXAMINATION CONDUCTED

2 BY MR. MCNAMARA:

3 Q. Mr. VanGundy, you've received what was
4 marked VanGundy Exhibit 2.1, and you've testified
5 receiving that letter. Do you take issue with the
6 contents of that letter? I'm going to have to show it
7 to you.

8 A. Yeah, I don't want to answer that without
9 making sure I'm...would you please repeat the
10 question?

11 Q. Okay. You received this letter I believe
12 last Saturday?

13 A. Yes.

14 Q. And it was an attempt to explain why the
15 Scott County land was valued at more than two times
16 the value of the Montgomery County?

17 A. Morgan, but yes.

18 Q. Excuse me, Morgan County. Do you take issue
19 as to the reasoning set forth in Intervenor VanGundy
20 Exhibit 2.1?

21 A. Yes, I do.

22 Q. And what is your issue?

23 MR. DEARMONT: I will object. Again, I
24 think this exceeds the scope of cross or recross or

1 questions from the bench. And, again, we are veering
2 into the offer of additional live testimony which is
3 generally not permissible here.

4 MR. MCNAMARA: Judge, this is a very
5 expedited procedure. We didn't have the opportunity
6 to present rebuttal testimony. I think it's a fair
7 question considering all of the circumstances.

8 ALJ MR. STEPHEN YODER: Well --

9 MR. MCNAMARA: I don't think it's going to
10 prejudice anyone is what I'm saying, and I think
11 it will clear up the record.

12 ALJ MR. STEPHEN YODER: Well, I will sustain
13 the objection. I mean your question is does he
14 disagree with ATXI's evaluation. We are going to
15 assume that he does since we are at issue here.

16 MR. DEARMONT: And I have no objection to
17 that yes or that question, it's the why that gives me
18 concern here.

19 MR. MCNAMARA: I think the why is the
20 important part. I mean let's get it on the record so
21 you can make a reasonable decision.

22 ALJ MR. STEPHEN YODER: We have a schedule
23 set, and that's the schedule we are bound to follow by
24 the 45 day deadline set, so I will sustain the

1 objection Mr. Dearmont made.

2 MR. MCNAMARA: Thank you. That's all I
3 have.

4 ALJ MR. STEPHEN YODER: You can step down,
5 Mr. VanGundy. We have admitted your testimony
6 previously. So my understanding is that is all the
7 witnesses today. I don't have the...is there any
8 reason not to have the record marked referred and
9 taken?

10 MR. MCNAMARA: I would, Judge --

11 ALJ MR. STEPHEN YODER: I'm sorry, wait a
12 second.

13 We will leave the record open for Mr.
14 McNamara for you to file, withdraw the filed motion
15 and then to file a public and confidential version of
16 that, as well as a public and confidential version of
17 2.1 and I guess --

18 MR. MCNAMARA: Can I summarize?

19 ALJ MR. STEPHEN YODER: Yes.

20 MR. MCNAMARA: On behalf of my client, I
21 think the record will show that with regard to the
22 Scott County land versus the Morgan County land that
23 the offer for Morgan County per acre is less than half
24 of what is being offered for the Scott County land.

1 ALJ MR. STEPHEN YODER: Okay.

2 MR. MCNAMARA: Both totally tillable land
3 within the easement. Morgan County more productive
4 than Scott County. So there appears to be, from the
5 record, and it appears to my client likewise, that
6 there is no reasonable basis to have one piece of land
7 valued at twice the value of the other land because
8 what we are looking at is based upon the acreage
9 within the easement, is both tillable land within the
10 easements in each county, and the way they work it is
11 they take the land within the easement times the per
12 acre value, and the tillable land, one county versus
13 another, in this case it's even more persuasive
14 because the Morgan County land by ATXI's figures is
15 more productive.

16 ALJ MR. STEPHEN YODER: Okay. Well I think
17 that's --

18 MR. MCNAMARA: That's what I wanted to say.

19 ALJ MR. STEPHEN YODER: I think that's
20 information to be included in your post hearing brief
21 which we have indicated previously will be filed on
22 July 15th by 1 p.m., and then the proposed order will
23 come out on Friday, and then briefs on exceptions will
24 be due July 21st. We didn't include time so I assume

1 by 5 p.m. on the 21st. And as previously noted that
2 the last scheduled meeting for the Commission to
3 address this matter will be July 28th.

4 MR. MCNAMARA: Can we just...matter of
5 clarification. Our brief is due?

6 ALJ MR. STEPHEN YODER: July 15th.

7 MR. MCNAMARA: July 15, with no particular
8 filing time.

9 ALJ MR. STEPHEN YODER: By 1 p.m.

10 MR. MCNAMARA: 1 p.m., okay. Our proposed
11 order is due?

12 ALJ MR. STEPHEN YODER: We will file the
13 proposed order July 17th by Friday, on Friday.

14 MR. MCNAMARA: So counsel is not to prepare
15 the proposed order?

16 ALJ MR. STEPHEN YODER: No, we will file the
17 proposed order.

18 MR. MCNAMARA: Then our briefs on exception
19 are due July 21 by 5?

20 ALJ MR. STEPHEN YODER: Correct.

21 MR. MCNAMARA: Thank you.

22 ALJ MR. STEPHEN YODER: All right. Judge
23 Albers will send out an outline for the parties to use
24 in preparing their briefs today.

1 MR. MCNAMARA: Thank you.

2 ALJ MR. STEPHEN YODER: So that way

3 everybody's arguments line up.

4 Are there any other questions? So we will

5 leave the record open for the matters of Mr. McNamara

6 to get straightened out and filed. With that

7 understanding, anything further before we break?

8 MR. DEARMONT: Nothing on behalf of ATXI.

9 Thank you.

10 ALJ MR. STEPHEN YODER: Anything further

11 from Staff?

12 MS. TURNER: No, Your Honor. Thank you.

13 ALJ MR. STEPHEN YODER: Mr. McNamara,

14 anything further today?

15 MR. MCNAMARA: Nothing, Judge.

16 ALJ MR. STEPHEN YODER: Okay. Thank you.

17 (Hearing concluded at 11:56 a.m.)

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1 STATE OF ILLINOIS)
) SS
2 COUNTY OF MORGAN)

3 I, SUSAN M. RANDOLPH, Certified Shorthand
Reporter for the State of Illinois, do hereby certify
4 that the foregoing hearing came before me in the
aforementioned cause of action.

5 That the foregoing Hearing was taken on July
13, 2015.

6 That said Hearing was taken down in
stenograph notes and afterwards reduced to typewriting
7 under my instruction and said transcription is a true
record of the testimony given.

8 I do hereby certify that I am a
disinterested person in this cause of action; that I
9 am not a relative of any party or any attorney of
record in this cause, or an attorney for any party
10 herein, or otherwise interested in the event of this
action, and am not in the employ of the attorneys for
11 either party.

12 In witness whereof, I have hereunto set my
hand this 18th day of July, 2015.

13

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Susan M. Randolph, CSR
License #084-003240

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